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The American
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VOL. XXXVIII APRIL, 1944 NO. 2

THE LEADERSHIP OF THE UNITED STATES IN THE POSTWAR WORLD*

CLARENCE A. BERDAHL
University of Illinois

It is now more than one hundred years since the substance of the Connally Resolution was first adopted by a legislative body in the United States;[1] it is almost fifty years since the United States, at the Hague Conferences, took the lead in pressing for an international court with much more power than the Court we have since failed to join;[2] it is about thirty-five years since Congress itself, by a unanimous vote in both houses, adopted a resolution urging that the United States Navy be combined with other navies into an international police force for the preservation of peace;[3] it is not quite thirty years ago that the political parties, without any of the present hullabaloo on the point, and at a time when the United States was not itself at war, achieved such a unity of position in their stand for effective American participation in world order as to make debate between them on that issue virtually nil;[4]

* An address delivered at the thirty-ninth annual meeting of the American Political Science Association, Washington, D. C., January 20, 1944.

[1] Resolution adopted by Massachusetts state senate in 1832 (by vote of 19 to 5), and by both houses of the Massachusetts legislature in 1837, denouncing war, urging the substitution of machinery for peaceful settlement of disputes, approving a congress or court of nations as the best practicable method of peaceful settlement, and recommending that the President negotiate with other governments to secure such an institution. Seven other state legislatures adopted similar resolutions during the next fifteen years.

[2] The American delegates to the First Hague Conference, in 1899, proposed an international court, with compulsory jurisdiction, and otherwise, as the delegates explained in their report, similar to the U. S. Supreme Court. See full text of the plan in *U. S. Foreign Relations, 1907*, Pt. 2, pp. 1143–1144.

[3] The so-called Bennett-Lodge Joint Resolution of June 25, 1910 (presented to the Senate by Senator Lodge). *Cong. Rec.*, Vol. 45, Pt. 8, pp. 8545–8548, 8874 (61st Cong., 2nd Sess.); 36 Stats. 885.

[4] See analysis of the platforms and campaign of 1916, in Berdahl, *The Policy of the United States with Respect to the League of Nations*, pp. 33–35.

secure the liberation of themselves and the peoples allied with them from the menace of aggression;

"Recognizing the necessity of ensuring a rapid and orderly transition from war to peace and of establishing and maintaining international peace and security with the least diversion of the world's human and economic resources for armaments; jointly declare:

"1. That their united action, pledged for the prosecution of the war against their respective enemies, will be continued for the organization and maintenance of peace and security.

. . . . . .

"4. That they recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security."

This stirring and solemn pledge from the responsible statesmen at Moscow, reaffirmed by the still more responsible heads of governments at Teheran, and incorporated into the Connally Resolution by an almost unanimous vote of the United States Senate, would seem to settle the matter of whether or not there is to be an organized postwar world and whether or not we are to have a part in it. Perhaps we may at last take for granted that this time the United States will not only participate in a world organization, but will also recognize its own responsibility as a Great Power and continue to assert in the postwar world the leadership which it has definitely asserted in the world of war. Perhaps it may even be taken for granted that the American people, with only few exceptions, now at long last understand why this must be so—that it is not merely because there can be no effective world organization without us, and that we must go along in order to preserve the peace in Europe, in Asia, in Africa, anywhere in the world; but also because it is the only way to preserve the peace for ourselves and save our own civilization, our own institutions, our own skins. As Senator Lodge so well put it in 1916, "We may not solve it in that way, but if we cannot solve it in that way, it can be solved in no other." We have tried the other way of world anarchy quite long enough, and it is now high time that we try this way of world organization as a last hope of saving ourselves and our way of life.

The cause of world order and world peace was lost before, I think, partly because of the heavily sentimental approach that was

made by too many of its advocates. There was too much talk of saving Europe and saving the world, and not enough about saving the United States and ourselves, and the American people became tired of saving others. Already there are those who would again confuse the issue by crying out that it is none of our business to save the British Empire, just as though we had entered the war for that purpose, and just as though there were no relation at all between the destruction of that Empire and our own safety; there are those who would confuse the issue by comparing the vast numbers of tanks and planes and guns we have furnished to Russia with the so-called "trickle" of supplies to our own MacArthur, just as though the preservation of the Russian armies as a fighting force were a sentimental or a foolish gesture toward communism and had no relation to the defeat of our own enemies; there are even those who still assert, as they did before Pearl Harbor, that our lend-lease policy was designed to save England, just as though we could possibly have let England fall and the British Navy surrender and yet ourselves hope to survive.

What I am trying to say is that the "idealistic" motive of saving the world is thoroughly involved in the "realistic" motive of saving the United States; one is actually as realistic as the other; neither is realistic without the other. This is also the concept of collective security, never better stated than by Secretary of State Stimson, in respect to the implications of our own Kellogg Pact: "In the new international world . . . the basic idea is that war anywhere is of concern everywhere"; or by Secretary of State Hull, in respect to Manchuria: "The promotion of peace, in no matter what part of the world, is of concern to all nations."[7] And probably most Americans now understand this, in spite of the attempts on the part of a few—some through ignorance, some through malice—to

[7] Address of Secretary Stimson at Pittsburgh, Oct. 26, 1932 (*N. Y. Times*, Oct. 27, 1932, p. 4); and reply of Secretary Hull to Secretary General Drummond, accepting invitation to the U. S. to sit on the League of Nations Assembly's Far Eastern Advisory Committee (*ibid.*, Mar. 15, 1933, p. 12).

The other point of view was expressed by the *Chicago Tribune* (in an editorial in 1928, "The Virtue of Minding Our Own Business"): "The professors agree that peace is a desirable thing and we assure them it is just as desirable for the American people as for any other. The United States has been granted the most favorable terms for minding its own business. The responsibility of the American government in keeping other nations at peace is rather less than its responsibility in keeping the American people out of war."

confuse the issue. And because the people now understand this, it may, I think, be assumed that they are ready and eager for the leadership of the United States in such a postwar world order as will ensure our safety, if not perfectly, at any rate better than before. An emphasis on our own self-interest, our own safety, and our own need for these world institutions of government, law, courts, and sheriffs seems to me highly important.

If we may, then, assume a desire for, a commitment to, and the probability of United States participation and leadership in the postwar world, the question remains as to the nature and extent of such participation. Here I shall attempt to state only a few general propositions which seem to me appropriate or necessary in the light of past experience and future probability. I am quite sure that these propositions, when stated, will seem to many so obvious as hardly to deserve restatement at all, although to others they will probably also seem both arguable and ill-argued, and therefore not deserving of restatement.

The first of these propositions is that our participation in international affairs must be official in every sense of the word, and that it must be participation under a clear sense of responsibility. If there is any feature of our policy following the last war that should be thoroughly repudiated, it is that development of a form of participation which could be claimed as unofficial and therefore not really participation at all if it hurt the feelings of a United States Senator or if it involved responsibilities we were unwilling to assume, but which could also be claimed as really participation if the criticism of pro-Leaguers got too hot or a political campaign was on or the results were such that we wanted some of the credit. That completely irresponsible and evasive policy had its roots in our separate peace treaties, so drawn as to *seem* separate from the "vicious" Treaty of Versailles, and yet not to be separate at all but actually to take over, by a unique process of indexing, most of the Versailles provisions, including all of those we later declaimed against so loudly.[8] This confused the matter of our legal as well as our moral responsibilities to such an extent that President Hoover was able with a straight face to explain our aloofness from the problem of German disarmament, when we wanted to be aloof and

[8] See my article, "Myths about the Peace Treaties of 1919–1920," in *The American Scholar*, Vol. 11, pp. 261–274 (Summer, 1942); reprinted in *Int. Conciliation*, No. 383 (Oct., 1942).

were aloof, by saying: "We are not a party to the Versailles Treaty and its limitation on German arms. That is solely a European question";[9] although he might, with a better sense of responsibility and with more complete accuracy, have said: "We are a party to the Treaty of Berlin, which takes over the provisions of the Versailles Treaty in respect to the limitation on German arms. That is, therefore, not solely a European question, but is a question for the United States as well." A group of lawyers did in later years rather sharply call the attention of our government to precisely these provisions and to the resulting responsibility of the United States in permitting the sale of arms to Germany and therefore furthering the rearmament of Germany. These lawyers clearly caught our government off guard and confused by this peace treaty which was at the same time separate from and yet not separate from another peace treaty.

With this kind of legal quibbling made possible by the very method of our peace-making, it is not, perhaps, surprising that our participation in international institutional activities should run the entire gamut, in kind and in degree, of responsibility from unofficial observers to official observers to "official representatives acting in an unofficial capacity" (as Secretary Hughes described them) to completely official representatives. I am not sure that this is the entire list, for I myself found at least one instance where our representative at a League of Nations conference could only be described as a "footnote observer," since he was listed, clearly at the desire of our own government, only in a footnote,[10] and must therefore have ranked lower and had even less official character than those other observers listed for other League conferences in the headnotes or in the regular text of the proceedings.

The exact difference in function and responsibility between these

[9] Statement issued Sept. 30, 1932, in connection with the Disarmament Conference. *State Department Press Releases*, Sept. 24, 1932, p. 183.

[10] At the League of Nations Conference on Concerted Economic Action, the list of delegations and observers was followed by this footnote explanation: "In addition to the Delegations and Observers, Mr. Edwin C. Wilson, First Secretary attached to the American Embassy in Paris, has been instructed by the United States Government to be present in Geneva for the duration of the Conference and to associate himself with the American Consulate at Geneva with a view to obtaining information regarding the developments of the Conference." *Proceedings of the Preliminary Conference with a view to Concerted Economic Action* (Geneva, Feb. 17–Mar. 24, 1930) (C. 222. M. 109. 1930. II.), p. 69, n. 1.

different kinds of representation was never clear, even to the representatives themselves, so that on one occasion the American representative on the Child Welfare Committee of the League of Nations not only participated freely in the discussion, but actually voted, and then discovered afterwards that she was not that much official and should not have voted.[11] Nor was the official character determined, apparently, on any logical lines of interest or importance or function, or even of involvement in matters political; it seemed to be quite hit and miss. Thus we came eventually to participate in a completely official manner in the League's activities with respect to child welfare and opium, but our participation is still only unofficial, although extensive, in respect to health, white slavery, and obscene publications; while in respect to communications and transit and some phases of the League's economic activities we have hopped in and out, now officially, now unofficially, now officially, and so on. Our participation in the Lytton Commission, sent to investigate and report on the extremely broad, complex, and dangerous Manchurian phase of the Sino-Japanese conflict, was complete and on exactly the same basis as that of any League Power, although it inevitably brought us into close relations with the League, whose agency the Lytton Commission was; but a few months later the same American government declined to participate to the same extent in the commission set up to investigate and report on the bloody but more limited Shanghai incidents, because, as the Secretary of State explained, the Shanghai Commission would be acting "under the provisions of one of the articles of the Covenant." An American representative was indeed appointed, but was allowed only to "coöperate," not to "participate"; although Mr. Cunningham, our consul in Shanghai, himself did not know exactly what that meant, and apparently participated about as did the other members except for formal signature, and had to cable for instructions whether to sign or not to sign the reports—reports consequently delayed by so much in their transmission to Geneva. In dealing with these events on an earlier

[11] Similarly, Miss Grace Abbott, attending the League's Advisory Committee on Traffic in Women and Children in 1923 as the first representative of the United States, not only took active part in the discussions, but submitted proposals and even voted, although describing herself as a "consultative" member. *Minutes of Advisory Committee on Traffic in Women and Children*, 2nd Session, Mar. 22–27 1923 (C. 225. M. 129. 1923. IV.), esp. pp. 26, 31.

occasion, I pointed out that our policy "thus seemed to hinge upon a fine distinction between 'participation' and 'coöperation,' between different articles of the Covenant, and between the areas of conflict."[12]

Another aspect of this kind of irresponsible approach to international problems was the tendency toward evasion by the invention of new names to cover up what was actually being done. For example, having decided that we were interested in disarmament, we began to participate in the League's Preparatory Disarmament Commission. We were, however, still committed to the notion that we could not be interested in security, since that would entangle us in Europe, and hence we refused point-blank to have any part in the Committee on Arbitration and Security set up by the Preparatory Disarmament Commission to study the relation between those questions and disarmament. The Committee on Arbitration and Security was therefore changed to Subcommission A, but with essentially the same functions, and now our delegates sat and participated about as did other delegates. In more recent years, our government became rightly indignant about slavery and other evil conditions in Liberia, and coöperated wholeheartedly with the League of Nations in an attempt to remedy that situation; our representative sat on a Council committee on a completely equal basis with members of the Council, but our government felt obliged to refer to this Council committee as the International Committee on Liberia, thus watering down its association with the League of Nations. Many more instances of the kind could be enumerated, some important, some trivial, but I am sure these are quite enough to make my point clear, that our policy has been governed altogether too much in the past by a spirit of irresponsibility; and this, it seems to me, should be completely changed, once and for all, as it was already in process of change even before Pearl Harbor. If we take part at all in world affairs, as we now seem ready to do, we should do so officially, responsibly, and with the dignity befitting the Great Power that we are.

The second proposition I would suggest is that our participation must be complete. I need hardly do more than remind you of the laborious distinction developed in these twenty-five years between

[12] See my articles, "Relations of the United States with the Council of the League of Nations," in this REVIEW, Vol. 26, pp. 503–526 (June, 1932); and "American Foreign Policy," *Amer. Jour. Sociol.*, Vol. 38, esp. pp. 847–849 (May, 1933).

political and non-political functions, and of the related theory that in the non-political we could safely take part and rightly should take part, even though such participation might bring us into association with the League of Nations, while in the political we could not and must not take part, because that would somehow involve us in Europe. Even the Republicans, as early as 1924 and 1928, boasted in their platforms of our government's coöperation with the League of Nations in social, humanitarian, and technical matters; and again and again we have been reminded by some of our statesmen of the greatness of our contributions in this sphere of international activity.

It is, of course, on this theory of its non-political character that we have coöperated ever since 1923 in the League's regulation of the opium traffic, and for many years now in a completely official manner for certain features of that regulation, although again not for all. But we should also remind ourselves that it was in connection with this very business of opium regulation that the American representative on the League's Opium Advisory Committee (Mr. Stuart J. Fuller, of the State Department) publicly charged the Japanese with violating their pledges by encouraging the cultivation of the poppy in Manchuria, and charged them with doing so in order to spread the use of opium among the Chinese and thus break down their moral fiber and their power of resistance to the Japanese aggression—charges as highly political as anything could well be.

The distinction between political and non-political breaks down on analysis, with respect not only to opium, but also to health, communications, white slavery, black slavery, and almost any other problem. That is to say, social, economic, and technical problems have their political aspects, and there is no use pretending they do not; when the Rockefeller Foundation begged the League officials not to publicize its generous gifts to the League's health work, and when the United States Government was hesitant about official coöperation in this health work, I take it the reason in each case was fear of political repercussion.

I am, of course, not arguing at all that there are no advantages in the functional organization of international activities, nor that the development of representation of an expert and technical, rather than of a political character, in certain of these activities, is undesirable. I am merely trying to point out that when the distinction between political and non-political, or any other distinc-

tion for that matter, is emphasized in order to draw us in, or to justify ourselves in going in, it is unrealistic because the distinction is never entirely clear and because it did not work. (I am not now thinking of the present war, but of Mr. Prentiss Gilbert seated at the Council table in the Manchuria affair, of Mr. Charles G. Dawes working with the Council in the same affair, although from the Hotel Ritz across the Seine, of Mr. Hugh Wilson and Mr. Leland Harrison sitting with the Assembly's Far Eastern Advisory Committee in the still later stages of that affair. I might be thinking of the Chaco and of the Disarmament Conference and of other political matters. It is also dangerous, because it serves equally well as an excuse to stay out by simply calling a function or an agency political. It seems to me something like the constitutional concept of the police power, which was invented by the courts as an affirmative doctrine in order to permit states to legislate in spite of the Fourteenth Amendment, due process of law, and the rest of it, but which in time was construed by the courts, as Justice Holmes so well pointed out, into a negative doctrine which was itself a new restraint on state power.

The point is that a Great Power like the United States must needs be concerned with all these problems—political, non-political, social, economic, humanitarian, technical, or what not. For about a quarter of a century, we tried to forget that we were a Great Power and tried to limit our activities and our responsibilities. We tried to do that then by cultivating the non-political activities, although even there we picked and chose more or less at random, and by persuading ourselves that the political activities, i.e., those relating to war and peace, were none of our concern. My fear is that now we may reverse ourselves completely, and in our new zeal for security try to pretend that these other problems are too trivial to require our attention. Lord Robert Cecil stated pretty well the importance of full participation in all these various activities in these few words:

"Whatever territorial or financial arrangements are made, the two vital problems to be solved will be the Maintenance of Future Peace, and Economic and Social Reconstruction. These problems are closely related. Peace is essential to Reconstruction; Reconstruction is vital to Peace. Both depend on the Supremacy of Law."[13]

[13] Memorandum on World Settlement after the War (prepared for the League of Nations Union, Sept., 1940), in Viscount Cecil, *A Great Experiment*, App. III, pp. 367–368.

The third proposition I would suggest is that our participation must be on a world basis and not limited as to area. Shortly before Pearl Harbor, a group of top-notch students participating in a national contest on the appropriate foreign policy of the United States shocked me by what they wrote. I knew they were thoroughly imbued with the pacifism and isolationism then rampant, and I expected something along those lines. I was not greatly surprised, therefore, but only distressed, when the papers argued for our complete abstention from the British struggle against the Nazis, for complete and permanent isolation, commercial and political, from Europe; but I was shocked to find that with respect to Latin America the argument was neither pacifistic nor isolationist, but blatantly nationalist and crassly imperialist. They had grasped the idea that the United States might actually be in danger from German aggressions across the Atlantic when England should fall, and the notion of "hemispheric defense" had caught their fancy. The United States should therefore save itself by building up its own defenses, establishing bases throughout the Latin Americas by force if necessary, taking over the newspapers in the Latin Americas if necessary to protect ourselves against enemy propaganda, and so forth.

This student performance is not untypical of a considerable feeling that existed before Pearl Harbor, and some of which still persists, that somehow or other this hemisphere is the area for us, that if only we stick here and exercise a compelling leadership here, we shall be safe, and that we only burn our fingers when we mess around in other areas of the world, especially in Europe. I believe it was a Brazilian statesman who remarked, on the successful conclusion of one of the recent Pan American conferences which produced hemispheric solidarity, that this was fine so far as it went, but would be completely futile, and even dangerous, if the solidarity were not carried beyond this hemisphere. That point need hardly be argued while our fighting forces are in every corner and in almost every spot on this earth; and probably most of us know now that there can be no more isolation from any area. There never was this isolation, in fact. I merely remind you (for space is lacking for a discussion of the point) that in addition to our long-standing and generally accepted interest in the Far East, we vigorously insisted, by strained legal argument on the basis of a treaty which we thought we had rejected (the Treaty of Versailles) and of another

treaty we never even signed (the Treaty of Lausanne), on rights and interests for ourselves in the mandates in the Pacific, in Africa, in the Near East.[14] Of course the mandates supply but one example, out of many, of the lack of reality in the isolationist position.

But the principal point of these remarks about areas of interest is to emphasize the necessity for a universal or world organization in which the full leadership of the United States may properly and safely be exerted. I know the arguments for regionalism; it is impossible to deny that there might be some advantages in regional organization; and some regional development should be definitely encouraged.[15] Without discussing the abstract merits of regionalism versus universalism in international organization, the points with respect to the United States seem to me to be these: (1) that regional organization need not necessarily, but probably would, strengthen the feeling for the Americas as our exclusive field of leadership, if not of action, and this in turn would almost certainly revive the suspicions of Latin America toward us; (2) that the temptation would again become powerful toward a limited responsibility on our part, and our active participation in the areas where wars begin and where our intervention must eventually come, would in all probability again be "too little and too late." At any rate, it seems to me clear that the United States cannot again run the risk of an ineffective international order; and such an international order can be effective only if we participate fully and responsibly in every respect.

There is much more to be said on the problem of the United States in the postwar world, but I have wanted to make these few general points as a kind of summary view. Energetic leadership is required if even these points are to be brought properly to the attention of the America people, and perhaps particularly of the Congress, and even more particularly of the Senate. Our State Department—so much an object of criticism, and this often perhaps through lack of knowledge of its real position and of its work on these problems—deserves warm commendation for the vigorous leadership exerted at Moscow and for its latest policy of public explanation of its own efforts. If this betokens a new and vigorous

[14] See *Mandate for Palestine* (State Department Publication, 1927), esp. pp. 49–50 (Memo. of American Embassy to British Foreign Office, Aug. 24, 1921).

[15] See, for example, the respective columns of Walter Lippmann and Sumner Welles in *Chicago Sun*, Jan. 10 and 12, 1944.

leadership, on the part not only of the State Department but of the government, there may be good hopes of excellent success and of a brighter future for the United States and for the world. But we need also as a people to catch the spirit of responsibility so well put by Mrs. Anne O'Hare McCormick in her last New Year's Day column: "The terrible burdens of maturity descend upon us while we are still hesitant and unprepared. But nations never go out to meet destiny. It always catches up with them at an unexpected turn of the road. On this grave and portentous New Year's Day, it is well that Americans have to realize that they have passed the point where they can blame other Powers for the mistakes of war or the failures of peace. The end of war is the beginning of the struggle for peace and of our inescapable responsibility for the world born in 1944."[16]

[16] *N. Y. Times*, Jan 1, 1944, p. 12.

THE DIRECTION OF SUPPLY ACTIVITIES IN THE WAR DEPARTMENT; AN ADMINISTRATIVE SURVEY, I

LT. COL. JOHN D. MILLETT
Control Division, Army Service Forces

I

Integration and coördination are terms that have long been used to describe the objectives of administrative reorganization. Thus coupled, the two words have appeared to represent mutually compatible goals. And most efforts at reform of local, state, and even federal, administration have embodied elements of both integration and coördination.

A somewhat different note was struck in the report of the President's Committee on Administrative Management transmitted to Congress in January, 1937. Here the emphasis was upon an improvement of the staff organization of the Presidency, rather than upon any large-scale effort to re-group and consolidate existing administrative agencies. Accordingly, it would not be unfair to say that coördination, even more than integration, was the objective of the proposals submitted by the President's Committee.

Integration has commonly meant an effort to bring related activities together in a single agency under an administrator subordinate to the chief executive. Coördination, on the other hand, has in practice meant the enlargement of the central staff available to the chief executive in order to assist him in settling matters of common concern to more than one administrative agency.

There is mounting administrative evidence which would indicate that coördination may be less efficacious in relieving the burdens of the chief executive and in achieving harmonious administrative relationships than the advocates of enlarged staff activities have been wont to admit. The National Housing Agency created by Executive Order No. 9070 on February 24, 1942, is a case in point. This agency succeeded the Division of Defense Housing Coördination created by Executive Order No. 8632 of January 11, 1941.

Integration and coördination are problems of concern in a large administrative organization just as much as in the government as a whole under a chief executive. The history of War Department organization, especially in the field of supply operations, presents

an account of long experience under coördination. Events indicate that this history was judged to be so unsatisfactory that under conditions of war it was necessary to resort to integration of agencies under line administrators subordinate to the head of the Department. An examination of this experience may help to throw some light upon the limitations of coördination, particularly when there are a large number of subordinate agencies to be directed.

The coördinating mechanism of the War Department was the War Department General Staff. The following story illustrates also the conflicting conceptions held about the proper rôle of a general staff. In no part of our federal administration has there been so well organized a general staff as in the War Department; nor has there been elsewhere such considerable experience with a general staff. The story of supply coördination within the War Department accordingly indicates general staff theory in practice.

II

On February 28, 1942, in Executive Order No. 9082, the President of the United States directed a reorganization of the top command in the War Department. The order provided that the Army of the United States should be divided, under the Chief of Staff, into a ground force, under a Commanding General, Army Ground Forces; an air force, under a Commanding General, Army Air Forces; and a service of supply command, under a Commanding General, Services of Supply. In addition to these three great commands and the War Department General Staff, there were to be such defense commands, overseas departments, task forces, and commands in theaters of operations as might be created from time to time.

The order delegated authority to the Secretary of War to issue the detailed instructions necessary to set up this broad framework; and it included a single reservation—nothing was to be done to disturb the President's authority to deal directly with the Chief of Staff in the former's capacity as commander-in-chief responsible for the strategy, tactics, and operations of the war. The order further provided that the reorganization should take place on March 9, 1942, and remain in effect for the duration of the war and six months thereafter.

In a few simple words, the President thus directed the most important, far-reaching reorganization of the War Department and

of the Army to take place since the creation of the General Staff and the position of Chief of Staff in 1903. The President's authority to order the reorganization rested upon the first War Powers Act, approved on December 18, 1941.

The details of War Department reorganization were set forth in War Department Circular No. 59, March 2, 1942. The functions, duties, and powers of the Chiefs of Infantry, Cavalry, Field Artillery, and Coast Artillery were transferred to the Commanding General, Army Ground Forces. On the other hand, the Supply Arms and Services came under the direct command of the Commanding General, Services of Supply. These included the Chief of Ordnance, the Quartermaster General, the Chief of Engineers, the Surgeon General, the Chief Signal Officer, and the Chief of Chemical Warfare Service. In addition, a number of administrative bureaus were likewise transferred to the jurisdiction of the Commanding General, Services of Supply—the Chief of Finance, the Judge Advocate General, the Adjutant General, the Provost Marshal General, the Chief of Special Services, and the Chief of Chaplains. In the field, corps area commanders, general depots, and ports of embarkation were placed under the command of the Commanding General, Services of Supply.

Our attention here will be concentrated primarily upon the history of the organization created to supervise the supply agencies of the War Department. These were the oldest component parts of the Department. An act approved on March 3, 1791, authorized the President to appoint, by and with the advice and consent of the Senate, one Major General, one Brigadier General, one Quartermaster, and one Chaplain. The offices of Surgeon and Adjutant were created in 1792. An act of March 3, 1795, spoke of a "general staff" including a Quartermaster General, an Adjutant General, and a Surgeon General. The Corps of Engineers was created in 1802; a Commissary General of Ordnance was established in 1812. The office of Signal Officer was created by act of Congress approved June 21, 1860.

The supply operations of the War Department were recognized as being somewhat different from the tasks of training troop units and providing garrisons for the defense of the frontier. This difference was acknowledged by the creation of offices in Washington as a part of the War Department to purchase supplies for distribution to the Army. The respective responsibilities of the chiefs of

supply bureaus were divided along commodity lines. The Quartermaster General provided one type of supplies for the Army and the Chief of Ordnance another type. Little attention was seemingly given to the organizational problem of insuring that the right quantity of all types of supplies should be available to combat units.

III

The full importance of the changes introduced in War Department organization on March 9, 1942, can be understood only in the light of past War Department experience. This history may be said to have begun with the creation of the General Staff by the act of February 14, 1903. For the first time, the entire military establishment of the United States, including the branches of the line and the supply and administrative bureaus, was provided with a common supervisory agency. It is not necessary here to detail the failures of War Department organization in the Spanish-American War which led ultimately to the changes of February 14, 1903.[1]

Immediately after the creation of the General Staff, difficulties in defining its proper rôle in War Department organization beset it, which were to continue to the present day. The act creating the position of the Chief of Staff and the General Staff Corps provided that the General Staff should prepare plans for the national defense and for the mobilization of the military forces in time of war; to investigate and report upon all questions affecting the efficiency of the Army and its state of preparation for military operations; to render professional aid and assistance to the Secretary of War and to general officers and other superior commanders, and to act as their agents in informing and coördinating the action of all the different officers who were subject under the terms of the act to the supervision of the Chief of Staff.

[1] For an account by one of the leading participants in the creation of the General Staff, see the personal narrative of Major General William Harding Carter included in the collection of documents on the reorganization of the War Department and the National Defense Act published in 1927. U. S. Congress, House of Representatives, Committee on Military Affairs, *Historical Documents Relating to the Reorganization Plans of the War Department and to the Present National Defense Act*, 69th Cong., 2nd Sess., pp. 503–568. See also the unpublished dissertation by Captain (now Brigadier General) Otto L. Nelson, Jr., *The War Department General Staff; A Study in Organization and Administration* (Harvard University, 1939), Chaps. 2–3.

The act provided that the Chief of Staff, under the direction of the President or of the Secretary of War, should supervise all troops of the line and the administrative and supply bureaus specifically enumerated. The list of such agencies included all parts of the War Department organization except the Record and Pension Office, which was omitted because of the Congressional influence of the head of that office, General Ainsworth.[2]

Difficulty in defining General Staff responsibilities arose at once, especially in fixing relationships between the General Staff and the supply and administrative bureaus. There seemed no doubt that it had been the purpose of the authors of the act, and of Congress in passing the legislation, that the Chief of Staff should exercise supervisory authority over the supply bureaus. In his testimony before the Senate Committee on Military Affairs in 1902, Lieutenant General Schofield, retired, former Commander of the Army and a Secretary of War, related that he had specifically proposed to Secretary Root that the title be "Chief of Staff," rather than "Chief of the General Staff," because that officer should be head of the entire staff of the War Department. And General Schofield made it plain that by head of the entire staff he meant that the Chief of Staff should have supervision and direction of the bureaus of supply and administration.[3]

Whatever the intent of the law, the supply bureaus did not take kindly to the new administrative authority of the General Staff. From 1903 to 1917, the history of the General Staff was checkered, with the result that on the eve of World War I it was neither an outstanding planning agency nor a successful supervisory body.

The act of February 14, 1903, created a General Staff Corps of forty-five officers. An act of Congress approved August 23, 1912, reduced the General Staff Corps to thirty-six officers. The National Defense Act of June 3, 1916, provided that the General Staff Corps might be increased to a maximum of fifty-five officers by 1920, but that not more than half of the Corps should be stationed in or near Washington at one time. When war with Germany was declared on April 6, 1917, the General Staff Corps consisted of forty-one officers, nineteen of whom were in Washington. "This personnel was, of course, ridiculously inadequate, not only for the gigantic

[2] See Otto L. Nelson, *op. cit.*

[3] *Historical Documents Relating to the Reorganization Plans of the War Department and to the Present National Defense Act*, p. 93.

task confronting it, but for any General Staff work commensurate with the responsibilities of that corps."[4]

By more than reduction in its size did Congress reflect the pressure of powerful groups for curtailing the authority of the General Staff. The National Defense Act included a limitation that members of the General Staff Corps should not be "permitted to assume or engage in work of an administrative nature that pertains to established bureaus or offices of the War Department." When asked for his opinion, the Judge Advocate General advised on July 24, 1916, that this provision of the law took away from the General Staff Corps all power to supervise and coördinate the work done by the established "administrative agencies of the War Department," meaning specifically the supply bureaus. Secretary of War Newton D. Baker, however, rejected the opinion of the Judge Advocate General and prepared his own opinion of September 13, 1916, in which he reasserted the basic ideas of Secretary Root about the work to be done by the General Staff.[5] Mr. Baker insisted that the General Staff was to be the machinery for planning, and for seeing that its plans were given coördinated effect in the various branches and bureaus of the War Department. Secretary Baker's decision, however, did not restore power to the General Staff in time to make it a vigorous director of war preparations before the outbreak of hostilities with Germany.

General Pershing later wrote about the War Department and the General Staff as it was when he reported in Washington on May 10, 1917:

"The War Department seemed to be suffering from a kind of inertia, for which perhaps it was not altogether responsible. . . . There was no apparent reason why the General Staff should not have developed definite basic plans for the organization and employment of our armies in anticipation of the rapidly approaching emergency and without waiting for instructions from the Administration. To find such a lack of foresight on the part of the General Staff was not calculated to inspire confidence in its ability to do its part efficiently in the crisis that confronted us."[6]

Gradually the necessities of war brought new vigor to the organization and operation of the General Staff. A succession of Chiefs

[4] *Report of the Chief of Staff for the Fiscal Year 1919*, p. 19.

[5] Both opinions are to be found in *Historical Documents, op. cit.*

[6] John J. Pershing, *My Experiences in the World War* (New York, Frederick A. Stokes Co., 1931), I, pp. 16–17.

of Staff continued from April, 1917, to February, 1918, when General Peyton C. March returned from the A.E.F. in France, where he had been Artillery Commander, to become Acting Chief of Staff. Whatever else might be said about General March, there was no denying that his was a positive and dynamic personality. Under him, the General Staff became an organization to reckon with. Within two months, he was made the Chief of Staff, and from that time on he enjoyed the complete support of Secretary Baker. Under General March, the General Staff ran the War Department.

One student of the General Staff has suggested that supply work during World War I went through three phases. The first phase was one of inadequate planning to guide the supply bureaus in their operations. Only careful plans could form a sound basis for coördination. The second phase was one of reorganizing the General Staff to effect coördination within the framework of General Staff theory, that is, through administrative supervision. General March believed this effort a failure, and the third phase accordingly was one of direct operation.[7]

The first important reorganization of the General Staff during the war occurred on February 9, 1918, immediately before General March became Acting Chief of Staff. General Orders No. 14 of that date organized the General Staff into five divisions. One of these was a Purchase and Supply Division under an assistant to the Chief of Staff with the title of Director of Purchases and Supplies. Another was known as the Storage and Traffic Division, likewise under an assistant to the Chief of Staff with the title of Director of Storage and Traffic. Under this division was placed the Embarkation Service, which was directly responsible for the movement of all troops and supplies within the United States and to overseas ports of embarkation. The Storage and Traffic Division was also directly responsible for the storage of all munitions and other supplies of the Army within the United States.

The February, 1918, reorganization of the General Staff reflected how far the staff had become involved in administrative details necessary to the conduct of the war. The great expansion of the military establishment had made indispensable some central directing and coördinating authority. The General Staff was the sole agency within the War Department at the time capable of pro-

[7] Nelson, *op. cit.*, p. 461.

viding such direction. Before the war, the General Staff had been compelled to concern itself with certain planning problems and with a number of routine administrative questions. Neither had been performed satisfactorily because of the small size of the staff and the general internal opposition from bureau chiefs and others. The crisis of war changed all this by the simple force of undeniable need for vigorous central direction of the war effort. The creation of a Purchase and Supply Division and of a Storage and Traffic Division as two of the five divisions of the General Staff revealed how far administrative questions of procurement, storage, transportation, and distribution of supplies had come to be a major consideration of the General Staff. General Orders No. 36 on April 16, 1918, consolidated the Purchase and Supply Division and the Storage and Traffic Division into a single Purchase, Storage, and Traffic Division.

The most important order defining the rôle of the General Staff during World War I was issued on August 26, 1918, by General March, who had now become, with General Pershing, one of the two Generals of the United States Army and Chief of Staff in the War Department. General Orders No. 80 created four divisions of the General Staff and an Executive Assistant in charge of Administration Methods and Statistical Data. The Purchase, Storage and Traffic Division was under an assistant to the Chief of Staff with the title of Director of Purchase, Storage, and Traffic.

General Orders No. 80 were important for three reasons. The first, which has little to do with our immediate story, has overshadowed the other two because of the personalities involved. Included in the order was the famous statement that the Chief of Staff, by law, took rank and precedence over *all* officers of the Army, and that he had authority in the name of the Secretary of War to issue orders throughout the military establishment. This declaration was an unending source of irritation and displeasure to the fellow-officers and supporters of General Pershing, who would not admit that the Chief of Staff took precedence over the Commander-in-Chief of the American Expeditionary Forces. The source of conflict seemed to involve issues of prestige more than substantive issues of policy. Certainly General March could not be accused of a failure to support the thesis that the war was to be won on the Western Front in France, and that all available American military resources should be sent there. General Pershing may

have felt on occasion that the Chief of Staff did not support him sufficiently in his own insistence that troops sent overseas for the A.E.F. should represent a well-balanced force of all branches of the service and not merely combat units. The governments of England and France favored the dispatch of rifle and machine-gun units, but General Pershing insisted upon other units as well, for upon them depended the realization of his desire for an integral American army with its own separate sector of the Western Front.

More important to the administrative history of the General Staff were two other features of General Orders No. 80. For one thing, the Purchase, Storage, and Traffic Division was confirmed in the operating responsibilities it had already assumed. This division had the direct responsibility for computing all requirement needs of the Army. It operated the storage and warehousing activities of the Army, and it also ran the Army Transportation Service. And while the order spoke of the division as "supervising" all procurement activities, in point of fact, the Acting Quartermaster General, as Director of Purchase, under the Assistant to the Chief of Staff, had become an operating unit of the General Staff itself.

The second important administrative aspect of General Orders No. 80 was its reduction of the size of the "Special Staff" operating "on all purely military matters" under the direct supervision of the Chief of Staff. Of the great supply bureaus of the War Department, only the Director of Chemical Warfare Service, the Director of Aircraft Production, and the Director of the Construction Division were given immediate access to the Chief of Staff. These three were new services created under the impetus of the war. All the administrative bureaus—such as the Adjutant General, the Inspector General, and the Judge Advocate General—and the Supply Bureaus—such as Ordnance Department, the Corps of Engineers, the Medical Department, and the Signal Corps—were informed in effect that they must deal on all questions with the Chief of Staff through the various sections of the General Staff.

As early as July 18, 1918, the Director of Purchase, Storage, and Traffic had presented a plan for centralizing the purchase of all but the most technical items procured by Ordnance and by the Director of Aircraft Production. This plan was approved in principle at the time when General Orders No. 80 was issued. One result was the centralization of responsibility for computing all requirements for articles handled by the Quartermaster Corps and for the non-

technical articles of the Corps of Engineers, the Medical Department, and the Signal Corps. The development of an elaborate central requirements system was interrupted by the Armistice on November 11, 1918.

The Embarkation Service of Purchase, Storage, and Traffic operated the Ports of Embarkation and transport and cargo vessels. The Inland Traffic Service ran a centralized shipping service which controlled completely the shipment of all supplies to Ports of Embarkation. The Storage Branch of the Purchase, Storage, and Traffic Division coördinated individual depot operations by the supply bureaus and operated the Army joint reserve depots, of which there were three by the end of the war. The Acting Quartermaster General, by Supply Circular No. 80, on August 27, 1918, was made Director of Purchase under the Assistant to the Chief of Staff, who was Director of Purchase, Storage, and Traffic. On October 11, 1918, by Supply Circular No. 98, the Finance Department was created as a part of the Purchase, Storage, and Traffic Division. This Finance Department replaced a former Accounts Department which had grown out of the Finance Section of the Purchase and Supply Branch of the Division.

The Purchase, Storage, and Traffic Division of the General Staff, just before the Armistice, divided its organization into two broad categories—supervising units and operating departments. The supervising units were: the Statistics and Requirements Branch, the External Relations Branch, the Purchase Branch, the Production Branch, the Inspection Branch, the Research Branch, and the Executive Branch. As already indicated, in the field of requirements, these branches had a distinct tendency to become more than supervisory units. The Operating Departments included the Embarkation Service and the Ports of Embarkation, the Inland Traffic Service, the Office of Director of Purchase and Storage (who was also the Acting Quartermaster General), the Facilities Department, the Construction Department, and the Finance Department.

In his report as Chief of Staff for the fiscal year 1919, General March found it necessary to justify the degree to which the Purchase, Storage, and Traffic Division of the General Staff had become a super-operating agency of the War Department. He declared that "as the war progressed, it became increasingly evident that the organization of the War Department as it existed at

the beginning of the war was in many respects entirely inadequate to meet the requirements of the situation."

"Under the system of separate and independent bureaus, as organized when we entered the war, a condition of affairs eventually and inevitably developed which threatened the very success of any extensive military program. Every bureau, absorbed in the tremendous expansion of its personnel and in its problems of supply, naturally concentrated every effort upon the development of a program which would meet every possible requirement that might be imposed upon that particular bureau without reference, in general, to the requirements either of other bureaus or services of the Army as a whole."[8]

The Chief of Staff complained of competition between the Supply Bureaus for manufactured articles, for raw materials, for labor, and for industrial plant. The consequences, he declared, were high prices and the location of plants irrespective of available labor, fuel, power, or transportation. There were, he said, nine independent and different systems for estimating requirements. There were five different sources of supplies, and hence five different systems of property accountability. There were ten different agencies handling the money accounts of the War Department, with at least five different systems of fiscal accounts. There was no agency for determining priority in the demands for materials and for finished articles. Each Supply Bureau had its own storage system, and there were no effective means for central control of shipping to insure that all supplies necessary for a unit reached a port of embarkation at approximately the same time in the required quantities. Finally, "it was impossible for the War Industries Board, in allocating supplies, materials, and manufacturing capacity, to secure adequate information as to the needs of the War Department as a whole."[9]

General March summarized the outstanding organizational needs of the War Department in these terms:

". . . It had, during the first year of the war, become increasingly evident that a reorganization was necessary which would provide for:

1. A redistribution of existing functions of various bureaus in such a manner as to consolidate important similar or identical functions in the one agency best adapted to handle them.

2. The creation of certain new agencies to handle matters previously

[8] *Report of the Chief of Staff*, 1919, p. 15. [9] *Ibid.*, p. 16.

handled by existing bureaus but not logically a part of their function, and the creation of certain new services found to be necessary as the result of the developments and experiences of the Army overseas.

3. The reorganization of the General Staff in such a manner as to enable it to perform its proper functions of an effective central controlling agency to coördinate and to control all existing War Department agencies and services so as to eliminate lost motion and to direct their activities in such a manner as to further to best advantage the development and the execution of the military program as a whole."[10]

General March argued that mere coördinating supervision by the General Staff would not have put an end to the inefficiency of the bureau system or realized the desired improvements:

"Experience had shown that the interior organization of the various bureaus was such as to render an effective supervision of their activities by the General Staff, as contemplated by General Orders No. 14, impossible. As the result of a careful consideration of the matter, I became convinced that a consolidation of procurement, except of certain specialized equipment, of storage, of finance, and of transportation, together with a positive and direct central control of these activities by the General Staff, was essential to the elimination of the unsatisfactory conditions existing and to the rapid, efficient, and economical utilization of the resources of the country to the development of the Army program as a whole."[11]

In his annual report for the fiscal year 1919, the Chief of Staff took sufficient cognizance of criticism about the General Staff to admit that perhaps under war conditions General Staff control and operations had gone too far. He argued, however, that a General Staff that had done its proper work before the war would have made the war developments unnecessary.[12]

IV

Upon his arrival in France in the early summer of 1917, General Pershing began immediately to study the organization of the British and French armies in order to decide upon the desirable arrangements for his own headquarters. In his memoirs, he remarks: "It required no genius to see that the coördination and direction of the combat branches in the numerous services of large forces could be secured only through the medium of a well-instituted General Staff, and I determined to construct it on the sound

[10] *Ibid.*, p. 17. [11] *Ibid.*, p. 20. [12] *Ibid.*, p. 23.

basis of actual experience in war of our own and other armies."[13] There was virtually nothing in the precedent of United States War Department organization to guide General Pershing in the establishment of his own General Staff.

The original organization of Headquarters, A.E.F., was set forth in General Orders No. 8 on July 5, 1917. This provided for a Chief of Staff with necessary assistants, a secretary to the General Staff, and five General Staff Sections—an Administrative Policy Section, an Intelligence Section, an Operations Section, a Training Section, and a Coördination Section. This part of headquarters was known as the General Staff. In addition to the General Staff, there was an Administrative and Technical Staff with 15 heads, including the Adjutant General, Inspector General, Judge Advocate, Chief Quartermaster, Chief Surgeon, Chief Engineer Officer, Chief Ordnance Officer, Chief Signal Officer, Chief of Air Service, Chief of Gas Service, General Purchasing Agent, Director General of Transportation, Commanding General of the Line of Communications, Chief of Red Cross, and Provost Marshal General. The orders themselves stated that this organization had been prepared after a comprehensive study of the staff organization of the French and British arms.

The General Staff of Headquarters, A.E.F., was obviously an independent development, although it is significant of the common thinking in military circles at the time that the War Department General Staff should already have been moving in much the same organizational direction. General March had some knowledge of General Pershing's staff organization when he returned to the United States and organized the War Department General Staff.

The large number of individuals included on the administrative and technical staff of Headquarters, A.E.F., was a continuation of War Department tradition. There was nothing in the orders to indicate that these officers were to report to the Commander-in-Chief through the General Staff. Indeed, we know from General Harbord, who was the first Chief of Staff for General Pershing, that each of the Special Staff officers felt entitled to take his problems either to the Commanding General personally or to the Chief of Staff. General Harbord remarks that to have given each of the officers fifteen minutes a day with the Commander-in-Chief would

[13] Pershing, *op. cit.*, I, p. 103.

have required more than five hours, not counting the time it might take to go in and out of the office. If the Commanding General had permitted ready access for each of these officers to himself, he would scarcely have had time for carrying on negotiations with the High Command of the allied forces or to have inspected field activities.[14]

The supply organization for the A.E.F. was set up in accordance with the general ideas contained in the existing field service regulations. General Harbord relates that these regulations had been written before the war, and based primarily upon French experience, since the published records of the Civil War revealed virtually nothing about supply experience during those four years. A Line of Communications was established which was made up of a number of Base Sections (ultimately nine), a single Intermediate Section, and one Advance Section. The Commanding General of the Line of Communications had his headquarters at Tours, a considerable distance behind the forward town of Chaumont, which served as general headquarters for the A.E.F. But both at general headquarters and at Tours there was a complete complement of special staff officers.

General dissatisfaction with the organization of supply activities for the A.E.F. led General Pershing to appoint a Board of Officers, headed by Colonel Johnson Hagood, to make an inquiry into possible improvements in administrative structure. The Hagood Board recognized that the most important single question before it was the problem of providing a single line of responsibility on all supply matters. It recommended that "the competent authority with direct and complete responsibility to the Commander-in-Chief" on all supply matters should be the Commanding General of what the Board proposed to call "the Services of the Rear." It was evidently General Pershing himself who determined that the new organization should be called Services of Supply rather than Services of the Rear.[15] General Pershing accepted the recommendations of the Hagood Board without reservation.

The occasion of a reorganization of the supply activities of the A.E.F. was used for a general reorganization of headquarters.

[14] James G. Harbord, *The American Army in France* (Boston, Little, Brown and Co., 1936), p. 212.

[15] See General Johnson Hagood, *The Services of Supply* (Boston, Houghton Mifflin, Co., 1927), p. 155.

General Orders No. 31, dated February 16, 1918, but actually published sometime later, created the Services of Supply and provided that the Chiefs of Administrative and Technical Staff Services on all matters of procurement, supply, transportation, and construction should operate under the supervision of the Commanding General, Services of Supply. While the order did not specifically direct the removal of the Chiefs of Administrative and Technical Services from General Headquarters at Chaumont to Tours, it implied that such a move was expected by authorizing the chief of each such service to designate an officer to represent him at General Headquarters.

General Orders No. 31 further gave official recognition to the practice already adopted from the British of calling each of the General Staff Sections by the letter "G" and the appropriate numerical sequence. The order set up five sections of the General Staff, known respectively as G-1, G-2, G-3, G-4, and G-5, each headed by an Assistant Chief of Staff. The Assistant Chief of Staff G-1 supervised ocean tonnage, priority of overseas shipments, troop replacements, the organization and equipment of troops, military police, billets, prisoners of war, Red Cross work, the Remount Service, and strength report in the order of battle. The Assistant Chief of Staff G-2 was in charge of information, maps, censorship, and the Intelligence Corps. The Assistant Chief of Staff G-3 prepared strategic studies and plans, orders for the movement of troops, and orders for artillery concentrations; controlled general organization and equipment; and maintained liaison with the allied military commands. The Assistant Chief of Staff G-4 supervised construction, transportation, hospitalization, and the general operations of the Services of Supply. The Assistant Chief of Staff G-5 supervised instruction centers and staff schools, prepared training manuals, enunciated training doctrine, and inspected schools.

In addition to the five sections of the General Staff, there were also located at General Headquarters the Adjutant General, the Inspector General, the Judge Advocate General, a Chief of Tank Corps, a Chief of Artillery, and a Headquarters Commandant. Under the Commanding General, Services of Supply, were the Chief Quartermaster, the Chief Surgeon, the Chief Engineer Officer, the Chief Ordnance Officer, the Chief Signal Officer, the Chief of Air Services, the General Purchasing Agent, the Chief of Gas

Service, the Chief of Utilities, and the Provost Marshal General.[16]

The organization of the Services of Supply and the transfer of the principal offices of the various Chiefs of Supply and Administrative Services from Chaumont to Tours were evidently a considerable improvement. It was not, however, until the last of July, 1918, when General Harbord became Commanding General, Services of Supply, that the real possibilities inherent in the organization of the S.O.S. began to be realized.

On July 28, 1918, General Pershing recounts that he received a letter from the Secretary of War proposing that General Goethals, then Director of the Purchase, Storage, and Traffic Division of the War Department General Staff, be sent to France to take charge of the Services of Supply. As head of S.O.S., General Goethals was to be under the jurisdiction of the War Department rather than under the control of the Commander-in-Chief, A. E. F. Secretary Baker advanced as one reason for such an arrangement his desire to relieve General Pershing of a part of his many responsibilities in order to enable him to concentrate his full attention upon military operations. The Secretary made it clear that he was not ordering any such move, but that he was considering it. He wanted General Pershing's advice about the matter.[17]

General Pershing, by cable and letter, advised the Secretary against the proposal to separate the Services of Supply from his own command and attach it to the War Department, the principal reason given being "the principle of unity of command and responsibility." The General went on to say: "It has always been my understanding that you believed that full power should be given to the man on the spot and responsible for results." The Services of Supply was so integral a part of the whole operation of the A. E. F. that to remove it from his command, General Pershing declared, would constitute a serious interference with military operations.[18]

The real answer of General Pershing to the proposal from the War Department was to name a new Commanding General, Services of Supply. This new head of S.O.S. was perhaps General Pershing's ablest officer, his first Chief of Staff and more recently

[16] Organization orders of the War Department General Staff and of the A. E. F. General Staff are to be found in *Historical Documents Relating to the Reorganization Plans of the War Department and to the Present National Defense Act*, cited above.

[17] Pershing, *op. cit.*, II, pp. 185–186. [18] *Ibid.*, pp. 190–191.

the commander of a brigade in the Second Division, and then Commanding General of the Second Division—Major General James G. Harbord. With General Harbord as head of the Services of Supply, General Pershing delegated authority to him to deal directly with Washington on all questions of supply. In addition, the Commanding General, S.O.S., was given authority to make decisions on questions which previously had required the approval of General Headquarters. The control of procurement and the reception, maintenance, and distribution of all supplies were left in the hands of the S.O.S. Only questions of the destination of supplies in the zone of the armies and the determination of needed quantities of munitions remained under General Headquarters.[19]

The most important aspect in the creation of the Services of Supply was obviously the gathering together of almost all the officers who previously had constituted the administrative and technical staff of the Commander-in-Chief, or as it was sometimes called, the Special Staff, under a single commanding officer reporting directly to the Commander-in-Chief. A new element of command, or perhaps it would be better to say, a new level in the administrative hierarchy of command, had been introduced. This new element was not called a General Staff officer, but rather a Commanding General, Services of Supply.

One other aspect of the Services of Supply is also of administrative significance. The organization of the Commanding General, S.O.S., followed the broad lines of organization at General Headquarters, A.E.F. There was a General Staff organization under the Commanding General, with planning and coördinating responsibilities, but the actual operations remained with the chiefs of the various services—Ordnance, Quartermaster, Medical, Signal Corps, etc. There seemingly was no tendency within the Services of Supply, A.E.F., to build up new divisions of supply responsibility such as characterized the operations of the Purchase, Storage, and Traffic Division of the War Department General Staff. Rather, the emphasis of the immediate staff of the Commanding General, S.O.S., was devoted to bringing about harmonious activity among the various supply agencies.

(*To be concluded in the next issue*)

[19] Pershing, *op. cit.*, II, p. 204.

CONSTITUTIONAL LAW IN 1942–1943

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1942

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On February 15, 1943, Wiley B. Rutledge, Jr., a judge of the United States Circuit Court of Appeals for the District of Columbia, took the seat on the Supreme Court vacated by the resignation in October, 1942, of Mr. Justice Byrnes. There were no other changes in the Court's personnel. Disagreement among the justices abated somewhat. In only a dozen cases of importance did either four or three justices dissent, as against some thirty cases in the last term. The Court overruled two earlier decisions, both recent; and the reversal in each case was made possible by the vote of Mr. Justice Rutledge.

A. QUESTIONS OF NATIONAL POWER

1. WAR POWER—CIVIL VERSUS MILITARY AUTHORITY

West Coast Curfew Applied to Japanese-American Citizens. In February, 1942, the President issued Executive Order No. 9066, which authorized the creation of military areas from which any or all persons might be excluded and with respect to which the right of persons to enter, remain in, or leave should be subject to such regulations as the military authorities might prescribe. On March 2, the entire West Coast to an average depth of forty miles was set up as Military Area No. 1 by the Commanding General in that area, and the intention was announced to evacuate from it persons of suspected loyalty, alien enemies, and all persons, aliens and citizens alike, of Japanese ancestry. Congress then provided by statute for penalties upon those who wilfully violated the military regulations set up in these military areas (act of March 21, 1942). Shortly thereafter, General DeWitt proclaimed in Military Area No. 1 a curfew regulation applicable to all aliens, and to all persons of Japanese ancestry, but not to other residents. Those affected were required to be in their residences between 8:00 p.m. and 6:00 a.m. By this time the military authorities were also effecting the compulsory evacuation from this area of all persons of Japanese ancestry, including some 70,000 native-born American citizens. The constitutional questions raised by these drastic and discriminatory measures directed against American citizens of Japanese ancestry were novel and important. Two of them came before the United States Circuit Court of Appeals sitting in San Francisco. That court certified them to the Supreme Court for answer. The Supreme Court ordered up the entire

record, which permitted decision in the same way as though the case had gone up on appeal.

In Hirabayashi v. United States,[1] the appellant, a senior in the University of Washington, was born in Seattle of alien Japanese parents and was, therefore, an American citizen. He failed to report for registration for evacuation from the military area when ordered to do so, and he violated the curfew by being away from home after eight o'clock at night. He was convicted and sentenced for both offenses, the sentences to run concurrently. Since the sentences did run concurrently, the Supreme Court found it unnecessary to consider the validity of the evacuation order, inasmuch as it upheld the conviction for violation of the curfew. Thus the Court by-passed the major constitutional problems involved in the Japanese evacuation program.

The curfew order was attacked on two grounds: first, it was an unconstitutional delegation of legislative power to the military commander; second, it discriminated between American citizens of Japanese ancestry and those of other ancestries, in violation of the Fifth Amendment. In an opinion by Chief Justice Stone, the Court rejected the first argument on the ground that Congress by the act of March 21, 1942, gave its approval to the regulations established in the military areas by the military authorities, and did so with full knowledge that curfew regulations would be included in the list. The discriminatory application of the curfew to citizens of Japanese ancestry was held valid as a temporary emergency war measure. "The war power of the national government is 'the power to wage war successfully.' It extends to every matter and activity so related to war as substantially to affect its conduct and progress." Those responsible for the conduct of war and the protection of the national security must be allowed the widest possible discretion in the choice of means. The Court cannot sit in judgment upon the exercise of that discretion. The Court described briefly the critical situation on the West Coast after Pearl Harbor—a situation created by the concentration in vulnerable areas of large numbers of persons of Japanese origin—and emphasized the slight degree to which the mass of these Japanese people had been assimilated into our population. These facts made it reasonable for Congress and the Executive to conclude that peculiar dangers to the national security might arise from this source. It was not necessary to the validity of the measures taken that their fears be later justified. In time of war, prompt and decisive action must be taken upon the basis of quick appraisals of necessity.

The mere fact of discrimination against a group does not deny due process, since "Congress may hit at a particular danger where it is seen,

[1] 320 U.S. 81, 1943.

without providing for others which are not so evident or so urgent." The Court admits that distinctions based on race "are by their very nature odious to a free people," and that in most cases racial discriminations are irrelevant to any proper legislative purpose and, therefore, prohibited. But in view of the geographical facts bearing upon the military security of the West Coast, and the fact that Japan is our enemy in that theatre of the war, it is not unreasonable to deal separately and differently with a group of citizens having unique and potentially dangerous associations with Japan. "In time of war residents having ethnic affiliations with an invading enemy may be a greater source of danger than those of a different ancestry." The Court does not discuss the broad problems of the war power in general, but contents itself with holding that the curfew order as applied, and at the time it was applied, fell within the constitutional limits of the war power.

Mr. Justice Douglas concurred separately in order to urge that while the discriminatory treatment accorded an unsorted group of people of Japanese ancestry might be justified by the time-pressure of a military emergency, it remains a serious question whether due process does not require the early creation of machinery whereby the individuals in the group may demonstrate their loyalty and their right to be relieved of the restrictions. Mr. Justice Murphy, in a brief concurring opinion, emphasized that only a great military emergency could justify the curfew order when it was made, and raised the question whether the continuance of the order is valid. "When the danger is past, the restrictions imposed . . . should be removed and . . . freedom of action fully restored."[2]

2. COMMERCE

In Wickard v. Filburn,[3] the Court held that a farmer raising 23 acres of wheat, none of which was intended for interstate commerce, but all of which he consumed or fed to his stock, so affected interstate commerce as to be liable to marketing penalties imposed under the Agricultural Adjustment Act of 1938. The purpose of this act is to control the volume of wheat and other farm products which move in interstate commerce in order to avoid surpluses and shortages and the abnormally low or high prices which result from them. The Secretary of Agriculture is directed to set up each year a national acreage allotment for the coming crop of

[2] On July 31, 1942, the Supreme Court handed down a decision holding valid the trial by a military commission of German saboteurs who had been apprehended the month before. It filed its opinion in this case on October 29, 1942, under the title *Ex parte* Quirin *et al.*, 317 U.S. 1. The writer discussed this case in an article entitled "The Case of the Nazi Saboteurs" which appeared in this REVIEW in December, 1942. (Vol. 36, p. 1082). Further comment on the case is therefore omitted from the present article. [3] 317 U.S. 111, 1942.

wheat, provided that it appears that the expected wheat crop will exceed normal consumption and export by more than 35 per cent, and provided that a referendum of the farmers who will be subject to the quota shows that not more than one-third of them oppose its establishment. This allotment is apportioned to the states and counties and is eventually broken up into allotments for individual farms. Loans and payments to wheat farmers are provided for in specified circumstances. A wheat quota was established under these conditions for the 1941 crop. Filburn's quota allotment was 11.1 acres and a normal yield of 20.1 bushels of wheat per acre, but he ignored the quota restrictions, planted 23 acres, and harvested 239 bushels from the forbidden planting. Under the provisions of the act, he was liable to a penalty of 49 cents a bushel on this excess, or $117.11. He could have escaped the penalty by storing the additional wheat to meet a possible deficiency under the next year's quota, or by giving it up to the Secretary of Agriculture. He did neither of these things. It was Filburn's practice to sell part of his crop, although not in interstate commerce, to feed part to his poultry and livestock, to make flour for home consumption from part of it, and to keep the rest for seed. During 1941, wheat producers who coöperated with the Agricultural Adjustment Program received an average price on the farm of $1.16 a bushel, as compared with the world market price of 40 cents.

In holding Filburn validly subject to the act, the Court, speaking through Mr. Justice Jackson, rejected the argument that since his wheat was not to be sold in interstate commerce it could not be reached by the statute, because this would involve federal control of the production and consumption of wheat. The purpose and effect of the act is to regulate marketing, and this is, of course, interstate commerce. Congress may include in its scheme Filburn's wheat and other wheat similarly situated, since this is necessary to the effective operation of the marketing program. The Court refused to be bound by words or formulas used in earlier decisions in efforts to draw sharp lines between interstate and local commerce. It referred to the old distinction between "production," "manufacturing," and "mining" as activities which are strictly "local," in contrast to the transportation or distribution of goods, and also to the distinction drawn in the N. R. A. case between the "direct" and "indirect" effects of local transactions on interstate commerce. It said: "We believe that a review of the course of decision under the Commerce Clause will make plain, however, that questions of the power of Congress are not to be decided by reference to any formula which would give controlling force to nomenclature such as 'production' and 'indirect' and foreclose consideration of the actual effects of the activity in question upon interstate commerce."

These formulas do not prevent the commerce power from reaching any

local activities, such as Filburn's, which have a substantial economic effect on interstate commerce, even though at some earlier time these effects have been defined as "indirect." The consumption on the farm of home-grown wheat affects interstate commerce sharply since it "constitutes the most variable factor in the disappearance of the wheat crop." This wheat, though never marketed, "supplies a need of the man who grew it which would otherwise be reflected by purchase in the open market." Congress could properly conclude that wheat consumed on the farm, if left outside the scheme of regulation, would have a substantial effect in defeating and obstructing the government's entire marketing program. The small amount of wheat involved does not affect the authority of Congress to regulate it. If the regulation is otherwise valid, it applies to wheat grown on 23 acres just as clearly as to that grown on 23,000 acres. There is no denial of due process of law. Filburn's quota was fairly determined; his wheat was not confiscated, and, had he desired, he could have escaped the marketing penalty by delivering his wheat to the Secretary or by storing it. In view of the favorable wheat price resulting from the government's program, Filburn is not "worse off for the aggregate of legislation . . . ; it only appears that if he could get all that the government gives and do nothing that the government asks, he would be better off than this law allows. To deny him this is not to deny him due process of law."

3. TAXATION

Stock Dividends as Income. In 1916, in Eisner v. Macomber,[4] the Supreme Court held that a dividend of common stock paid on stock of the same kind was not income within the meaning of the Sixteenth Amendment, chiefly for the reason that income had not been severed from capital or realized by such distribution. The decision was widely and sharply attacked, and Treasury officials and many others hoped that it might one day be overruled. The Revenue Act of 1936 extended the scope of federal taxation and included provisions for the taxation of undistributed corporate income. Congress was clearly bent upon tapping more numerous sources of revenue, and it included in the act the following provision (Sec. 115): "A distribution made by a corporation to its shareholders in its stock or in rights to acquire stock shall not be treated as a dividend to the extent that it does not constitute income to the shareholder within the meaning of the Sixteenth Amendment to the Constitution." This section was carried along in later statutes and is still in force. Treasury officials did not assume that this provision was intended to challenge the Court's decision in Eisner v. Macomber until 1941, when the Commissioner of Internal Revenue made a demand upon a taxpayer for the payment

[4] 252 U.S. 189, 1916.

of a tax upon the value of a dividend of common stock received during the taxable year. The issue thus raised came to the Supreme Court in the case of Helvering v. Griffiths.[5]

In a five-to-three decision, the Court refused to reconsider the case of Eisner v. Macomber. In an opinion by Mr. Justice Jackson, it rejected the Treasury's argument that by enacting Section 115, above quoted, Congress was challenging the 1916 stock-dividend decision. Such a view is not supported by the legislative history of the statute of 1936 or by its later administration. It is within the right of Congress to enact laws which will require the Court to reëxamine a previous judgment or doctrine. There need be no legislative embarrassment in so doing. But there is no clear evidence that Congress had this intention here. Since it does not appear that Congress, by present legislation, intended to tax stock dividends, the Court should not overrule a long-standing decision in order to hold that Congress has done so by inadvertence. If Eisner v. Macomber is to be reconsidered, it should be in a case arising under a statute in which the purpose of Congress to challenge the decision is abundantly clear. Mr. Justice Douglas, with whom Justices Black and Murphy concurred, dissented on the ground that Congress did intend to reopen the case of Eisner v. Macomber, and would have been more explicit had it not felt embarrassment in passing a statute clearly void under an existing decision of the Court. The three justices stated that Eisner v. Macomber should be overruled on the merits.

4. JUDICIAL POWER

The limits within which the Court exercises its judicial power are exemplified in two cases. In Tileston v. Ullman,[6] the Court was asked to review, on appeal, a declaratory judgment of the Supreme Court of Errors of Connecticut holding valid a state statute prohibiting both the use of drugs or instruments to prevent conception, and the giving of advice or counsel, in their use. The plaintiff, a physician, alleged that the enforcement of the statute would prevent him from giving professional advice to three patients whose condition of health was such that their lives would be endangered by child-bearing, and that it, therefore, threatened a deprivation of life without due process of law within the meaning of the Fourteenth Amendment. In a *per curiam* opinion, the Court held that the plaintiff had no standing to raise this constitutional question, since his own life is obviously not endangered by the operation of the statute, and his patients are not parties to the proceeding. He may not secure the adjudication of the constitutional rights of these patients which they do not assert on their own behalf. In another *per curiam* opinion, in St. Pierre

[5] 318 U.S. 371, 1943. [6] 318 U.S. 44, 1943.

v. United States,[7] the Court dismissed, because it had become moot, the case of the petitioner who had been sentenced to five months imprisonment for contempt of court because of his refusal to divulge before a federal grand jury the name of the person whose money he had embezzled. He alleged the violation of his right not to incriminate himself. Before the case could be brought to the Supreme Court, the five-month term had been served, and, accordingly, the case was "no longer subject-matter on which the judgment of this Court could operate. . . . The sentence cannot be enlarged by this Court's judgment, and the reversal of the judgment cannot operate to undo what had been done or restore to the petitioner the penalty of the term of imprisonment which he has served." If the petitioner is again asked to testify and again refuses, he may, by resorting to appropriate procedures, invoke judicial review of the issue before the penalty for disobedience is actually paid.

In *Ex parte* Kawato,[8] the Court held that a state of war with Japan did not prevent Kawato, now an enemy alien, from bringing an action in admiralty to collect wages due him as a seaman. While originally barred by common law, such cases are now permitted in English courts. The Trading with the Enemy Act does not bar such suits; it merely prevents enemy governments or their officers, or citizens of enemy nations not residing in this country, from resorting to our courts.

5. BILL OF RIGHTS—CRIMINAL DUE PROCESS

The case of McNabb v. United States[9] tightened very severely the restrictions upon the use against an accused person of evidence secured by objectionable methods upon the part of the law enforcement officers. The McNabb brothers were arrested after the shooting of a federal revenue officer under circumstances making it practically certain that they either had committed the crime or knew who did. They were taken to Chattanooga, Tennessee, where they were detained by federal officers. They were not brought before a United States commissioner or a judge. Two of them were questioned by several officers over a period of two days, and one of them for five or six hours. They were without the aid of friends or the benefit of counsel. Finally, one of them confessed to the firing of one of the several shots fired, and implicated the other two men. Conviction was based on these admissions. The accused were not subjected to physical brutality, and it was not denied that the incriminating statements were made voluntarily. In an opinion by Mr. Justice Frankfurter, the Court set aside the convictions. It is well established that a conviction in a federal court cannot stand if based upon evidence secured by federal officers in violation of the constitutional rights of the accused. The rule

[7] 319 U.S. 41, 1943. [8] 317 U.S. 69, 1942. [9] 318 U.S. 332, 1943.

has been extended to evidence similarly secured in violation of a federal statute. This is the case here. Congress has commanded that federal officers after making arrests take their prisoners immediately before the nearest judicial officer having jurisdiction, for the purpose of a hearing, commitment, or taking bail for trial. The McNabbs were denied this prompt arraignment and were unlawfully detained for substantial periods of time before being brought before a judge. "Plainly, a conviction resting on evidence secured through such a flagrant disregard of the procedure which Congress has commanded cannot be allowed to stand without making the Courts themselves accomplices in wilful disobedience of law." Mr. Justice Reed dissented on the ground that the incriminating admissions of the accused should be excluded only if they were obtained by coercion.

The same result was reached in Anderson v. United States.[10] Here eight defendants were convicted of having conspired together to dynamite power lines and installations owned by the Tennessee Valley Authority, in the course of a strike against a power company which obtained its power from the T.V.A. They were arrested on suspicion by state officers without warrants, and were detained and questioned before arraignment for periods of from one to five days. Six of the defendants made admissions which resulted in the conviction of all. Collaboration of state and federal officers in this denial of the statutory right of immediate arraignment made the evidence thus secured inadmissible against any of the defendants, and their convictions were set aside on the grounds set out in the McNabb case.

6. STATUTORY INTERPRETATION

Denaturalization of Communist. Schneiderman v. United States[11] attracted wide attention because of its bearing on the legal implications of membership in the Communist party. Could the government lawfully cancel Schneiderman's citizenship on the sole ground that at the time of his naturalization in 1927 he was a loyal and active member of the Communist party? The Court held that it could not. The facts in the case were not disputed. Schneiderman was born in Russia and came to this country in 1907 or 1908. At the age of sixteen, he became a charter member of the Young Workers (now Communist) League and remained a member until about 1930. He was naturalized in 1927. He has been a steady and active worker in the Communist party ever since 1922. He ran as the party's candidate for governor in Minnesota in 1932. Since 1934, he has been a member of the national committee of the party, and is at present secretary of the party in California. The government's action was grounded on Section 15 of the Naturalization Act of 1906, which

[10] 318 U.S. 350, 1943. [11] 320 U.S. 118, 1943.

authorizes "cancelling the certificate of citizenship on the ground of fraud or on the ground that such a certificate of citizenship was illegally procured." Schneiderman's naturalization was not attacked on the ground of fraud, but on the ground of illegality. This illegality was said to consist of his alleged failure, by reason of his membership in the Communist party, to meet the statutory condition of naturalization, stated as follows: "It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, . . . and during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same." The government's position was, in essence, that no Communist party member could meet this test.

Mr. Justice Murphy wrote the Court's opinion, which ran roughly as follows: This is not a naturalization proceeding in which the government is asked to confer the privilege of citizenship. It is an action to revoke that privilege after it has been enjoyed for twelve years. The burden of proof is on the government to show that citizenship was illegally procured. This burden of proof must be met, not by a bare preponderance of the evidence, but by evidence which is "clear, unequivocal, and convincing." The government's evidence "does not measure up to this exacting standard." It falls short of it in the following respects: There is no claim that Schneiderman, prior to his naturalization, failed to behave as a man of good moral character, personally believed in or advocated doctrines contrary to the principles of the Constitution, or advocated the overthrow of government by violence. The charge that he was not attached to the principles of the Constitution was based solely on the fact of his membership and activity in the Communist party. This membership alone does not support the government's charge. Adherence to the doctrines of Communism, no matter how abhorrent they may appear to the majority of our people, and no matter how fundamentally they would modify our economic and governmental structure, is not *per se* incompatible with attachment to the principles of the Constitution, as long as this radical program is supported by peaceful and constitutional means. "It is possible to advocate such changes and still be attached to the Constitution." While it is commonly asserted that the Communist party officially advocates the violent overthrow of government as a means of accomplishing its purposes, and while some of the party's literature and the teachings of some of its recognized leaders bear out this assertion, the Court finds serious conflict of evidence on this point. It is by no means clear that the advocacy of violence has been or is the official and orthodox doctrine of the party. "Under the conflicting evidence in this case we cannot say that the gov-

ernment has proved by such a preponderance of evidence that the issue is not in doubt, that the attitude of the Communist party of the United States in 1927 toward force and violence was not susceptible of classification . . . ," as "mere doctrinal justification or prediction of the use of force under hypothetical conditions at some indefinite future time—prediction that is not calculated or intended to be presently acted upon, thus leaving opportunity for general discussion and the calm processes of thought and reason." The government accordingly has not met the burden of proof placed upon it. Justices Douglas and Rutledge wrote brief concurring opinions and Chief Justice Stone, joined by Justices Roberts and Frankfurter, dissented vigorously and at length.

Regulation of Chain Broadcasting. The question whether the powers granted to it by Congress authorize the Federal Communications Commission to issue comprehensive and drastic regulations of chain broadcasting was raised in National Broadcasting Company v. United States.[12] The Court held that they do so. The Commission began studying the problem of chain broadcasting in 1938, and, after extensive hearings at which station licensees, national and regional radio networks, and other interested parties were heard, it issued a report on the subject in May, 1941. This was accompanied by an order establishing eight regulations designed to correct abuses in the radio network system under which 97 per cent of the total night-time broadcasting power of all stations in the country is controlled by NBC, CBS, and Mutual. The regulations cannot be set forth in detail here, but they forbade such provisions of existing network contracts as preventing a station from broadcasting programs of other networks, bound the network not to sell programs to more than one station in the same area, gave the networks options on the broadcasting time of local stations, and set up network control of local station rates. The network ownership of stations was also banned, although some flexibility in the administration of this rule was promised. Mr. Justice Frankfurter wrote the opinion of the Court. The Federal Communications Act conferred on the Commission the authority to license stations, to "make specific regulations applicable to radio stations engaged in chain broadcasting," and to make rules and regulations and set up conditions and restrictions necessary to carry out the provisions of the act. The Commission was directed to exercise its powers in these matters "as public convenience, interest, or necessity requires." By this generous grant of power, the Commission is not limited to control over the engineering and technical aspects of broadcasting, as is clearly shown by the legislative history of the act. As long as it guided its actions by the criterion of the "public interest," the Commission was empowered to deal broadly with all prob-

[12] 319 U.S. 190, 1943.

lems involving station and network broadcasting. The regulations under attack fell well within the range of authority delegated to the Commission. The power to forbid various restrictive or monopolistic practices is not barred by the fact that such practices may also be violations of the anti-trust laws. Nor do the regulations abridge the free speech protected by the First Amendment. Complete freedom of speech on the radio is precluded by the limited facilities available. The Commission has placed no restrictions which are relevant to the expression of political, economic, or social views, and has attempted no sort of censorship. Freedom of speech does not include the right to use radio facilities without a license.

Mr. Justice Murphy, joined by Mr. Justice Roberts, dissented on the ground that while Congress could have authorized the Commission to issue the regulations under attack, the present statute, reasonably construed, does not do so.

The American Medical Association and the Sherman Act. The American Medical Association, with other defendants, was convicted of violating the Sherman Act by conspiring to hinder and obstruct the operations of the Group Health Association of the District of Columbia. This association is a non-profit corporation organized by government employees to provide medical care and hospitalization on a risk-sharing pre-payment basis. It employs physicians on a full-time salary basis and seeks to provide hospital facilities for the treatment of its members and their families. This plan was contrary to the code of ethics of the A.M.A., and that organization was found to have conspired to coerce doctors to refuse employment under the Group Health Association, to restrain A.M.A. members from engaging in consultations in Group Health cases, and to restrain hospitals in and around Washington from receiving Group Health patients. The case raised no question of interstate commerce, since the Sherman Act applies specifically to conspiracies in restraint of trade inside the District of Columbia. The Court, without dissent, sustained the conviction in an opinion by Mr. Justice Roberts in American Medical Association v. United States.[13] It had been vigorously argued whether a physician's practice of his profession constitutes "trade" within the meaning of the Sherman Act forbidding restraints of trade. The Court found it unnecessary to answer that question, since it found that the Group Health Association was a membership corporation engaged in business or trade. It collects funds with which it employs doctors and pays for hospitalization. The Sherman Act forbids "any person" from imposing the proscribed restraints of trade, and it is, therefore, irrelevant whether the A.M.A. is itself engaged in a trade. The offenses charged in the indictment, taken together, spell out a conspiracy in restraint of the trade of

[13] 317 U.S. 519, 1943.

the Group Health Association. There is no employer-employee relationship involved in the dispute, and it is, therefore, not withdrawn from the reach of the Anti-Trust Act by the Norris-LaGuardia Act.

B. QUESTIONS OF STATE POWER

RELIGIOUS LIBERTY AND DUE PROCESS OF LAW

Another batch of important cases involving religious liberty arose from the activities of the Jehovah's Witnesses and the efforts of states or communities to regulate or suppress these activities. This dauntless and aggressive sect has brought to the Supreme Court in the last five years sixteen major constitutional cases involving religious liberty, often combined with issues of freedom of speech and press. While some of these issues have been settled easily, others have been bitterly controversial. This is shown by the fact that in deciding the sixteen cases the Court has reversed itself twice, divided five-to-four in three cases and six-to-three in another, and produced twenty-seven opinions.

Two of the cases disposed of in 1943 were held, without dissent, to be governed by earlier decisions of the Court. Largent v. Texas[14] held invalid the ordinance of a Texas city which forbade any person to solicit orders or to sell books, or other merchandise, in the residential area without first securing a permit from the mayor, who could issue such permit if, after investigation, he "deems it proper or advisable." The appellant sold religious books and tracts without applying for the required permit. In Lovell v. Griffin[15] and Schneider v. Irvington,[16] the Court held that the right to distribute literature or handbills on the public streets, or to distribute such material or to canvass from house to house, could not validly be made dependent upon the previous permission of municipal officers acting in their discretion. Such a requirement set up a censorship which abridged the freedom of the press. The present Texas ordinance does the same thing. "Dissemination of ideas depends upon the approval of the distributor by the official. This is administrative censorship in an extreme form. It abridges the freedom of religion, of the press, and of speech guaranteed by the Fourteenth Amendment." In Jamison v. Texas,[17] a member of the Jehovah's Witnesses distributed on the streets of Dallas, Texas, handbills announcing a religious meeting and advertising religious books and tracts, in violation of an ordinance forbidding completely the showing or scattering on the streets of handbills, circulars, or other advertising material. This ordinance was held to violate the Fourteenth Amendment.

[14] 318 U.S. 418, 1943.
[15] 303 U.S. 444, 1938. See this REVIEW, Vol. 33, p. 259.
[16] 308 U.S. 147, 1939. See this REVIEW, Vol. 35, p. 267.
[17] 318 U.S. 413, 1943.

The city "may not prohibit the distribution of handbills in the pursuit of a clearly religious activity merely because the handbills invite the purchase of books for the improved understanding of the religion or because the handbills seek in a lawful fashion to promote the raising of funds for religious purposes."

Murdock v. Pennsylvania[18] brought to the Court, for reëxamination, the constitutional issue upon which it had divided five-to-four eleven months earlier in Jones v. Opelika.[19] This issue is whether religious liberty is violated by imposing on the sale of religious books and tracts a non-discriminatory license tax designed to raise revenue, and required of all who engage in canvassing or soliciting for the sale of books or merchandise of any kind. While such an ordinance had been held valid in the Opelika case, the appointment of Mr. Justice Rutledge to succeed Mr. Justice Byrnes, a member of the majority in that case, promised a reversal, since the new justice, while on the Circuit Court of Appeals for the District of Columbia, had dissented vigorously from a decision of that court holding valid a similar, but less burdensome, licensing requirement of the District. Mr. Justice Rutledge joined the four justices who had dissented in the Opelika case to effect its reversal by the five-to-four decision in Murdock v. Pennsylvania.

The ordinance of the city of Jeannette, Pennsylvania, which was attacked in the Murdock case, imposed a substantial, non-discriminatory tax for revenue purposes upon the privilege of canvassing for or soliciting sales of any kind of merchandise. It did not mention religious books or tracts, but applied broadly to all canvassing. The taxes were $1.50 for one day, $7.00 for one week, $12.00 for two weeks, and $20.00 for three weeks. Murdock and others, without seeking or obtaining a license, went from door to door distributing religious literature and soliciting people to buy booklets at twenty-five cents each and tracts at five cents each. Lesser sums were often accepted, and the books and pamphlets were in some cases given away. The solicitors were convicted and fined for violating the ordinance.

The opinion of the majority, written by Mr. Justice Douglas, follows a neat syllogistic pattern: A tax laid on the free exercise of religion, as protected by the First and Fourteenth Amendments, is unconstitutional. The circulation and sale of religious literature by Murdock is an exercise of religion; the ordinance does place a tax upon that circulation and sale; and, therefore, the ordinance is void. The activities of Murdock and other Jehovah's Witnesses here involved constitute an exercise of religion and not a commercial enterprise. They are engaged in a form of religious

[18] 319 U.S. 105, 1943.

[19] 316 U.S. 584, 1942. See this REVIEW, Vol. 37, p. 278.

evangelism which is "age-old." The incidental collection of small sums for books and tracts to help finance the spread of religion does not make this evangelism commercial, any more than passing the collection plate makes a church service commercial. " . . . an itinerant evangelist, however misguided or intolerant he may be, does not become a mere book agent by selling the Bible or religious tracts to help defray his expenses or to sustain him. . . . It is a distortion of the facts of record to describe their activities as the occupation of selling books and pamphlets." It is not asserted that religious groups or the press are free from all financial burdens imposed by government. Obviously the income or property of a preacher may be taxed like that of any other citizen. The present tax, however, is upon the privilege of carrying on religious activity. It could be made so heavy as to make the continuance of the activity impossible. In the case of itinerant evangelists, like the Jehovah's Witnesses, this may easily be the result. "Itinerant evangelists moving throughout a state or from state to state would feel immediately the cumulative effect of such ordinances as they become fashionable. . . . This method of disseminating religious beliefs can be crushed and closed out by the sheer weight of the toll or tribute which is exacted town by town, village by village." The non-discriminatory nature of the tax does not save it. It is not enough that religious activities are not taxed higher than other activities. They may not be taxed at all. "Freedom of press, freedom of speech, freedom of religion are in a preferred position." The state is not here making a charge for a privilege which it bestows. The privilege of engaging in religious activity does not come from the state, but is guaranteed by the federal Constitution. The fact that this tax is invalid does not mean that states and municipalities have no power to touch the appellants in any way. The Court intimates that it would uphold an "ordinance . . . narrowly drawn to safeguard the people of the community in their homes against the evils of solicitations," as well as a "nominal" fee "imposed as a regulatory measure and calculated to defray the expense of protecting those on the streets and at home against the abuses of solicitors."

Four justices, Reed, Roberts, Frankfurter, and Jackson, dissented in this case in three opinions by Justices Reed, Frankfurter, and Jackson. Their composite argument ran roughly as follows: The present tax was not attacked as either discriminatory or oppressive and should, therefore, be assumed to be neither. The fact that the activities of the appellants might have been taxed in such a way as to destroy them does not justify the denial of the power to tax them at all. There is no support for the theory that the Church or the press is, by the force of the First and Fourteenth Amendments, free from taxation. "No one would suggest that a clergyman who uses an automobile or the telephone in connection with his work thereby gains a constitutional exemption from taxes levied upon

the use of automobiles or upon telephone calls. . . . Plainly a measure is not invalid under the Constitution merely because it falls upon persons engaged in activities of a religious nature." Nor is a tax void merely because it falls upon activities which constitute the exercise of a constitutional right, as shown by the fact that the business of running a newspaper is clearly taxable. It has never before been argued that the sale of books and tracts is, in itself, a religious practice, although such activities may be incidental to the spread of religion. The decision of the Court does more than protect religious activities from interference and oppression; it bestows upon them what amounts to a tax subsidy which violates "our accepted belief in the separation of Church and state." Mr. Justice Jackson describes the methods and activities of Jehovah's Witnesses who, one hundred strong, descended upon the city of Jeannette and by their persistent door-to-door canvass and their violent denunciation of other religious teachings offended the citizens of the community. The Court's decision in this and other cases about to be discussed leaves the state and city powerless to tax or to regulate these activities. "Civil government cannot let any group ride rough-shod over others simply because their 'consciences' tell them to do so."

Part of Mr. Justice Jackson's dissent was directed against the decision of the Court in Martin v. Struthers.[20] Here the Court held invalid a city ordinance making it unlawful to ring door bells or knock on doors in order to summon the occupant of a residence to the door so as to give him handbills, circulars, or other advertisements. This is, of course, exactly what the Jehovah's Witnesses do, and the appellant, a member of that sect, was convicted for violating the ordinance. Speaking through Mr. Justice Black, the majority emphasized that door-to-door visitation to circulate pamphlets, both religious and political, has long been an accepted method of communication. To forbid it altogether, as this ordinance does, is to violate the freedom of press and speech protected by the Constitution. It is true that such bell-ringing and door-knocking may be a nuisance to householders and may facilitate the activities of burglars and other marauders. These dangers and abuses, however, may easily be "controlled by traditional legal methods." Reference is made to a proposed form of regulation which would make it an offense to ring the bell of a householder who has appropriately indicated that he is unwilling to be disturbed. The problem must be worked out "with due respect for the constitutional rights of those desiring to distribute literature and those desiring to receive it, as well as those who choose to exclude such distributors from the home."

Mr. Justice Reed dissented in an opinion in which Justices Roberts and

[20] 319 U.S. 141, 1943.

Jackson concurred. He failed to see in the ordinance any censorship or suppression of ideas or any real invasion of the freedom of speech and press. It is, rather, a "fair adjustment of the privilege of distributors and the rights of householders."

In Douglas v. Jeannette,[21] the Court unanimously refused to enjoin the city of Jeannette from prosecuting Douglas and other Jehovah's Witnesses for soliciting sales of religious literature without first procuring a license from the city authorities and paying a license tax. The injunction was sought before the Murdock case was decided. The constitutional rights of the defendants can be adequately asserted in an ordinary criminal case. Federal courts will enjoin state criminal prosecutions only on a showing of "danger of irreparable injury both great and immediate." There was no such danger here, nor did the large number of threatened prosecutions constitute a reason for the summary procedure of the injunction.

Jones v. Opelika,[22] on the authority of the Murdock case, vacated the judgment entered in Jones v. Opelika[23] in 1942. These various decisions, however, leave one point undecided by the Court, although the door is left open for its consideration later. Busey v. District of Columbia[24] involved the validity of imposing upon Jehovah's Witnesses the license tax of one dollar per month required by the District of Columbia of those selling magazines on the streets. The Circuit Court of Appeals for the District had held the license tax valid. Judge Rutledge had dissented. This tax has the earmarks of what Mr. Justice Douglas in the Murdock case refers to with apparent approval as a "nominal" fee, "imposed as a regulatory measure and calculated to defray the expense of protecting those on the streets and at home against the abuses of solicitors." Instead of invalidating this tax, the Court vacated the judgment in the case and remanded it back to the court below for reconsideration. The Circuit Court of Appeals has already heard the case again and has held the license tax void. The Supreme Court may have an opportunity to review this decision.

In West Virginia State Board of Education v. Barnette,[25] the Court held invalid a state regulation requiring school children, under penalty of expulsion, to salute the American flag. This reversed the Court's decision in 1940, in Minersville School District v. Gobitis.[26] In the earlier decision, the Court stood eight-to-one, with Mr. Justice Frankfurter writing the majority opinion and Mr. Justice Stone dissenting. In Jones v. Opelika,[27] three of the justices who dissented in that case—Justices

[21] 319 U.S. 157, 1943. [22] 319 U.S. 103, 1943. [23] 316 U.S. 584, 1942.
[24] 319 U.S. 579, 1943. [25] 319 U.S. 624, 1943.
[26] 310 U.S. 586, 1940. See this REVIEW, Vol. 35, p. 269.
[27] 316 U.S. 584, 1942.

Black, Douglas, and Murphy—announced that they had become convinced that the Gobitis case was "wrongly decided." In the Barnette case, therefore, the majority was composed of Justices Stone, Black, Douglas, Murphy, Rutledge, and Jackson (who wrote the Court's opinion). Justices Black and Murphy wrote brief concurring opinions. Justices Reed and Roberts dissented and merely referred to their position in the Gobitis case. Mr. Justice Frankfurter dissented at length.

The majority opinion by Mr. Justice Jackson holds that to compel conscientiously scrupulous children (Jehovah's Witnesses, in this case) to salute the flag deprives them of the freedom of religion guaranteed by the due process clause of the Fourteenth Amendment. The refusal to salute the flag does not involve any "collision with the rights asserted by any other individual, nor was it accompanied by any conduct which was not peaceable and orderly. It is now a commonplace that censorship or suppression of expression of opinion is tolerated by our Constitution only when the expression presents a clear and present danger of action of a kind the State is empowered to prevent and punish." No one claims that refusal by school children to salute the flag creates any such "clear and present danger." In the Gobitis case, Mr. Justice Frankfurter had argued that to upset the local school board's authority to require the salute to the flag was an improper usurpation by the Court of legislative power. "It would in effect make us the school board for the country," and would replace legislative by judicial discretion in a field "where courts possess no marked and certainly no controlling competence." Mr. Justice Jackson vigorously rejects this argument. The purpose of the Bill of Rights was to withdraw freedom of speech, press, religion, and other basic rights from the reach of legislatures and popular majorities. The judicial tolerance which should be accorded to legislative action controlling a public utility is misplaced when the basic civil liberties of the First Amendment are at issue. The Court cannot escape its responsibility in this case by a confession of lack of "marked . . . and controlling competence" in the field of education. "We act in these matters not by authority of our competence but by force of our commissions. We cannot, because of modest estimates of our competence in such specialties as public education, withhold the judgment that history authenticates as the function of this Court when liberty is infringed." Finally, it cannot be argued that, because national unity is the basis of national security, and flag-saluting may be deemed by the local authorities a means of promoting such national unity, compulsion may be used to enforce the salute to the flag. All agree that national unity is desirable and may be promoted by all voluntary means of persuasion. Efforts to "coerce uniformity of sentiment" are entirely different, however, and defeat their own purpose. "Ultimate futility of such attempts to compel coherence is the lesson of every such

effort from the Roman drive to stamp out Christianity, as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles, as a means to Russian unity, down to the fast-failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard." The Bill of Rights was set up to prevent exactly this sort of coercion. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, religion, or other matters of opinion or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us."

In a long dissenting opinion, Mr. Justice Frankfurter strengthens and clarifies his majority opinion in the Gobitis case. He contends that the only issue in the present case is "whether legislators could in reason have enacted such a law, and it would require more daring than I possess to deny that reasonable legislators could have taken the action which is before us for review." This judicial self-restraint should govern the Court at all times when it is asked to nullify legislation. Furthermore, "our power does not vary according to the particular provision of the Bill of Rights which is invoked." This means that the Court need be no more alert to invalidate laws attacked under the First Amendment than any other type of legislative regulation. The compulsory flag-salute regulation does not differ in its constitutional aspects from many other valid forms of compulsion which have been protested on religious grounds. Examples are compulsory vaccination, food inspection regulations, the obligation to bear arms, testimonial duties, and compulsory medical treatment. Here may also be mentioned the common, though controversial, requirement of Bible-reading in the schools. The argument that no "clear and present danger" to the national security justifies the flag-salute requirement is inapposite. The "clear and present danger" doctrine of free speech arose from a wholly different context and was never intended to apply to this type of legislation. "Of course patriotism cannot be enforced by the flag salute. But neither can the liberal spirit be enforced by judicial invalidation of illiberal legislation."

In Taylor v. Mississippi,[28] the Court unanimously set aside the conviction of three Jehovah's Witnesses under a statute which makes it a felony to teach or preach orally any principles or to distribute any printed matter calculated to encourage violence, sabotage, or disloyalty to the state or nation, to advocate the cause of our enemies, to disclose military information or secrets, to utter or distribute material which would "incite any

[28] 319 U.S. 583, 1943.

sort of racial distrust, disorder, prejudices or hatreds, or which reasonably tends to create an attitude of stubborn refusal to salute, honor or respect the flag or government of the United States, or of the State of Mississippi." While one of the appellants appears to have announced that it is wrong to fight our enemies and that our soldiers are being shot to no purpose, the prosecutions were in the main focussed on the activities of all three in condemning on religious grounds the salute to the flag. As applied in these cases, the statute denies the liberty of speech, press, and religion protected by the due process clause of the Fourteenth Amendment. "It punishes them although what they communicated is not claimed or shown to have been done with an evil or sinister purpose, to have advocated or incited subversive action against the nation or state, or to have threatened any clear and present danger to our institutions or our government. What these appellants communicated were their beliefs and opinions concerning domestic measures and trends in national and world affairs."

C. FEDERAL-STATE RELATIONS

The steadily increasing variety and scope of the functions of the federal government necessarily multiplies the number of points at which federal activities or federal interests are brought into contact with non-discriminatory police legislation passed by the several states. A conflict of this sort was presented in the case of Mayo v. United States.[29] A Florida statute regulates the sale or distribution of commercial fertilizers by requiring that each bag in which the fertilizer is sold shall be inspected and bear a stamp or label showing that the state inspection fee has been paid. The purpose of the act is to assure the purchaser that he receives a product of ascertained quality. Under authority of the Soil Conservation and Domestic Allotments Act, the Secretary of Agriculture purchased commercial fertilizer outside of Florida, and distributed it to consumers within the state, without state inspection and without attaching the inspection stamps required by state law. The Court held unanimously that Florida could not validly enforce its law against these federal activities. While Congress could have permitted the state regulation and tax to apply had it seen fit to do so, it has given no such permission. The inspection fees are laid directly upon the United States and are, therefore, barred by the supremacy clause of the Constitution. "These fees are like a tax upon the business of the post office or upon the privilege of selling United States bonds through federal officials."

A much more difficult problem was presented by the case of Penn Dairies v. Milk Control Commission.[30] The Pennsylvania Milk Control Law established a milk control commission with authority to fix prices

[29] 319 U.S. 441, 1943. [30] 318 U.S. 261, 1943.

for milk sold within the state, wherever produced, including minimum wholesale and retail prices for milk sold by milk dealers to consumers. After competitive bidding, the Penn Dairy was awarded a contract to supply milk to a United States military encampment located in Pennsylvania on lands owned by the state. The contract price was lower than that authorized by the Milk Control Commission, and the Commission refused to renew the plaintiff's dealer's license as a penalty for this violation of its orders. The dairy claimed that the state could not validly regulate the price at which it sold milk to the United States. The Court rejected this view and held the state regulations applicable. It is clear that Congress could by law make state regulations of this sort inapplicable to sales to the government. It has not done so. Nor can such immunity from the state regulations be reasonably inferred from the constitutional relations between the state and federal governments in our federal system. The state price regulations do not hit the government or any of its officers directly. They may purchase milk "from whom and at what price they will, without incurring penalty." The federal government's only interest in the matter arises from the fact that under the state regulations it may have to pay a higher price for milk than it otherwise would. Recent decisions of the Court have held that such financial burdens indirectly imposed do not invalidate the regulations from which they arise. They are to be regarded "as the normal incidence of the operation within the same territory of a dual system of government, and . . . no immunity of the national government from such burdens is to be implied from the Constitution which established the system." Nor does the state price regulation conflict with any Congressional legislation or policy. It does not run counter to the requirements of various federal statutes that supplies shall be bought after competitive bidding from the lowest bidder. There is plenty of evidence that Congress does not always insist upon the lowest possible price in government contracts. It has often stipulated that the goods that it buys be "American-made" or be produced under acceptable labor conditions. The Court, therefore, cannot imply Congressional insistence upon purchasing at the lowest competitive price at the expense of the interest of the state of Pennsylvania in the stabilization of her milk supply through price control.

The opposite result is reached, however, in Pacific Coast Dairy v. Department of Agriculture,[31] in which the state of California tried to enforce its milk price control law against a dairy selling milk under contract to the United States Army at Moffett Field. There is a controlling difference between the two cases. Moffett Field is under the exclusive jurisdiction of the United States by virtue of its cession to the federal

[31] 318 U.S. 285, 1943.

government by the state. In view of this exclusive jurisdiction, which did not exist in the Pennsylvania case, it follows "that contracts to sell and sales consummated within the enclave cannot be regulated by California law."

Parker v. Brown[32] raised the question whether the marketing program adopted for the 1940 raisin crop under the California Agricultural Prorate Act is invalid by reason of conflict with the Sherman Act, the Agricultural Marketing Act, or as an obstruction of interstate commerce. The marketing regulations in question rigorously limited the conditions under which producers might sell their crops. They included restrictions upon the bulk of free sales and the prices to be charged, and created a stabilization pool and other devices to protect the industry against over-production and excessive competition. Ninety-five per cent of California's raisins are shipped out of the state, and it was not denied that the marketing regulations substantially affected the flow of interstate commerce in raisins. The Supreme Court held the state regulations valid. The restraints on price levels and on competition do not bring the program within the reach of the Sherman Act, since the Sherman Act does not restrict state activities but only the actions of individuals. Nor is the state program invalid because it conflicts with or lies in a field preëmpted by the Agricultural Marketing Act. This act plainly contemplates coöperation between the states and the federal government in the field occupied. Federal marketing programs are similar in all major respects to the one set up by California, and there is no evidence whatever of an intention on the part of Congress to render state control of marketing invalid in the fields in which the Secretary of Agriculture has set up no federal program. There is no violation of the commerce clause. It is true that commerce is affected by the state regulations, but the effects are not disadvantageous, and they lie in a field which may appropriately be left to state control until Congress occupies it. The same tolerance for state regulation was shown by the Court in Terminal Railroad Association v. Brotherhood of Railroad Trainmen.[33] The Association has terminal facilities and renders terminal services to numerous railroads in and about East St. Louis, Illinois. Its operations comprise the sorting and switching of cars, many of which are destined to cross the river into Missouri. Through the Brotherhood, the trainmen and switchmen employed by the Association persuaded the Illinois Commerce Commission to order the Association to provide caboose cars on runs within Illinois. It was not denied that cabooses were necessary for the proper protection of the health and safety of the men making up the switching crews. It was also clear that the order, if enforced, would require cabooses to be run across the Illinois line into Mis-

[32] 317 U.S. 341, 1943. [33] 318 U.S. 1, 1943.

souri on trains thus consigned, or else it would require additional track and switching facilities to permit the cabooses to be detached at the state line. The validity of the order was attacked as an invalid burden on interstate commerce and a violation of the Railway Labor Act. The Court rejected both contentions. Congress has not occupied this field of regulation, nor has the Interstate Commerce Commission made any superseding requirements under the federal Safety Appliance Acts, although there is no lack of federal power in this field. There is no conflict with the Railway Labor Act, since that statute does not deal with the actual working conditions of railroad employees, but merely establishes procedures for the settlement of labor disputes. The enforcement of the order will "in some measure retard and increase the cost of movements in interstate commerce." But this does not make it invalid. "In the absence of controlling federal legislation, this Court has sustained a wide variety of state regulations of railroad trains moving interstate commerce which have such effect."

D. INTERSTATE RELATIONS

Full Faith and Credit—Nevada Divorces. In a decision which will have substantial practical results and stir up wide discussion, the Supreme Court held that Nevada divorces must be recognized as binding in other states. This case, Williams v. North Carolina,[34] rested upon the full faith and credit clause of the Constitution. Williams and Mrs. Hendrix each lived with wife and husband in North Carolina. The two went to Las Vegas, Nevada, resided for six weeks in a motor court, and each filed a divorce action in the Nevada court. Neither Mrs. Williams nor Mr. Hendrix, remaining in North Carolina, was summoned as defendants by personal service of process, and neither appeared to defend the action. The Nevada court granted the two divorces. Williams and Mrs. Hendrix were married in Nevada on the same day, returned to North Carolina to live as man and wife, and were in due course convicted of "bigamous cohabitation" by a North Carolina court which refused to recognize the validity of the Nevada decrees. North Carolina relied upon Haddock v. Haddock,[35] which had held that a divorce granted by Connecticut, in which the plaintiff husband was domiciled, was not binding in New York because the defendant wife had not been personally served with summons. The *bona fides* of the domicile in Nevada was not squarely attacked by North Carolina, with the result that it was assumed by the Supreme Court. Speaking through Mr. Justice Douglas, the Court held that since Williams and Mrs. Hendrix had acquired a domicile in Nevada, the court of that state had jurisdiction over their marital status, and the issuance

[34] 317 U.S. 287, 1942. [35] 201 U.S. 562, 1906.

of the divorce decrees met the requirements of due process. Since this is true, the full faith and credit clause compels every other state to recognize the decrees, regardless of lack of personal service of summons on the defendant spouses. Haddock v. Haddock is overruled. The fact that the new rule permits a state with lax divorce requirements to impose its policies on states with strict ones is "part of the price of our federal system." The Court is not concerned with the questions of policy or morals involved in these conflicts of state laws. The opinion of the Court leaves open the possibility of a direct attack in another action on the question of *bona fide* domicile in Nevada.

Mr. Justice Murphy dissented, mainly on the ground that the alleged domicile in Nevada was a fraud and a sham insufficient to support jurisdiction. Mr. Justice Jackson dissented at greater length, asserting also that there was lack of *bone fide* domicile, a resulting lack of due process, and therefore no decree which could bind other states. He observes: "It is not an exaggeration to say that this decision repeals the divorce laws of all the states and substitutes the law of Nevada as to all marriages one of the parties to which can afford a short trip there."

AMERICAN GOVERNMENT AND POLITICS

THE REORGANIZATION OF THE DEPARTMENT OF STATE

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I. THE BACKGROUND OF REORGANIZATION

For many years there has been widespread discussion of the need for reorganizing the Department of State. Students, publicists, members of Congress, and members of the Department itself have repeatedly pointed out that the Department has not been geared up to performing the functions required of the foreign office of a great twentieth-century world power.

The chief criticisms of the Department have been four: (1) that there was lacking a basic pattern of sound administrative organization, (2) that the type of personnel found both at home and abroad was inadequate for the job required in foreign affairs today, (3) that the Department was too far removed from the public and from Congress, and (4) that it was not prepared to provide leadership for, and maintain the necessary relations with, other federal agencies.

As nearly every aspect of our life has come to be related to events and activities in other countries, the scope and subject-matter of the State Department's responsibilities have vastly expanded. Yet during the last three decades, when the importance of foreign relations has particularly increased, the operating structure of the Department has not been adequately reorganized. Some new functions have been undertaken, but this has resulted more from chance accretion of responsibilities to existing persons or offices than from rational planning and assignment of tasks.

Great as the need for reorganization was before the United States entered the present war, it became increasingly serious as the responsibilities of global and total war devolved upon the federal government. The political tasks of the war program which fell to the State Department were difficult enough: to establish and stay on good terms with our Allies, to win more friends, and to weaken the enemy. But in addition the Department had the function of guiding a number of new agencies engaged in foreign activities. Material assistance had to be sent to our Allies. Develop-

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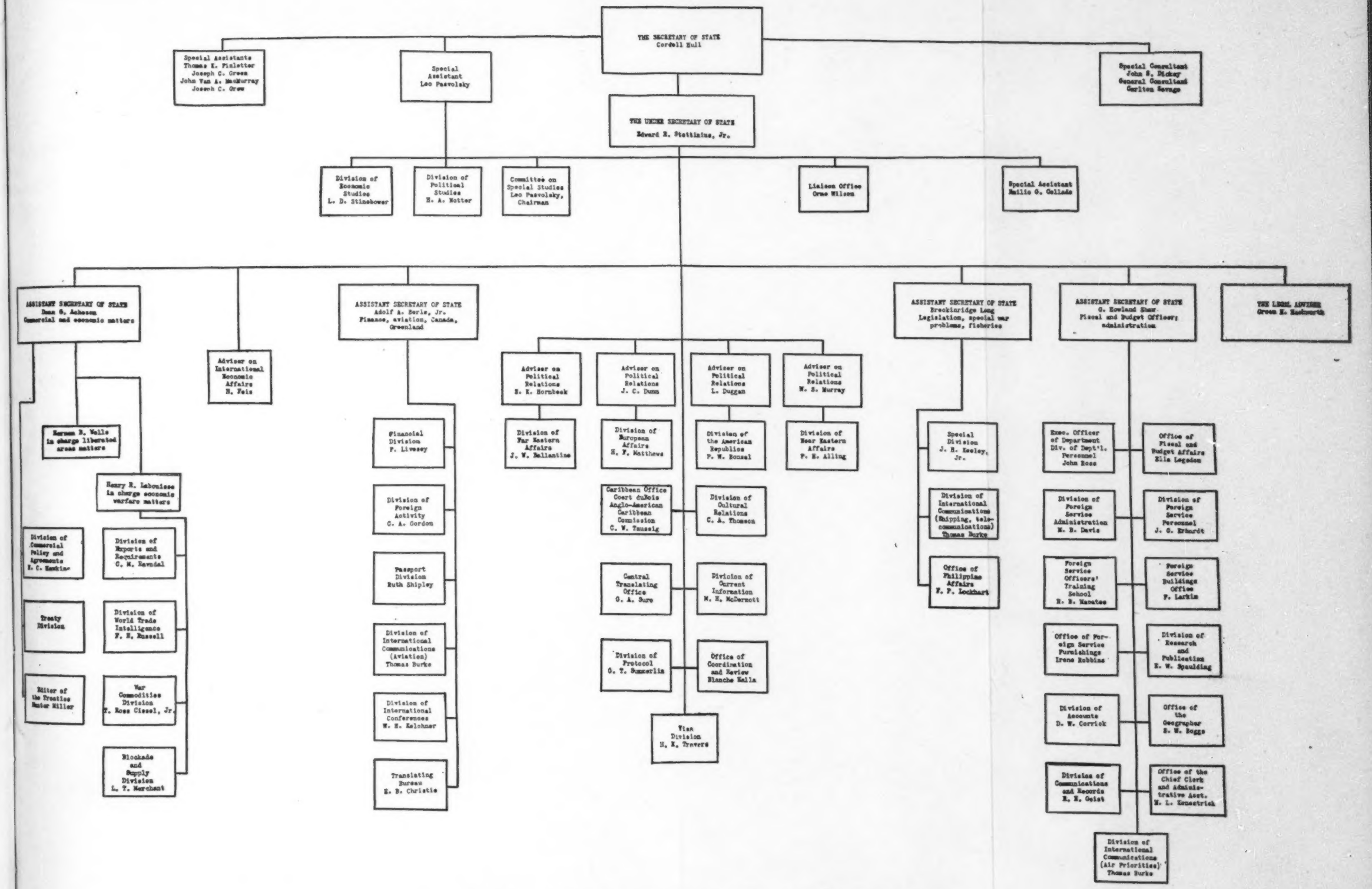
ment programs for increased production of vital raw materials and goods had to be planned and put into operation in foreign countries. Materials had to be procured abroad, both to meet the needs of the Allies and to cut off supplies from the enemy. Finally, the enemy had to be met in the field of psychological warfare.

Many aspects of the war program were assigned to both new and old line agencies whose acitvities involved extensive contacts with foreign nations. Among these were the Office of Lend-Lease Administration, Office of the Coördinator of Inter-American Affairs, Office of War Information, Board of Economic Warfare, Office of Foreign Relief and Rehabilitation Operations, Foreign Economic Administration, and Departments of Agriculture, Commerce, Treasury, etc. The new agencies relieved the State Department of many operations and made unnecessary the expansion of its personnel for these purposes. However, there fell to the Department the important and complicated task of keeping the activities of the agencies in line with our foreign policy. For unless their programs were consonant with the foreign policy of the United States in a given field like commercial policy, lend-lease, etc., or in relation to a specific country, there not only was danger of damage to the prestige of the United States abroad, but the war effort itself might be jeopardized. In creating the new agencies, the President left no doubt that upon the State Department continued to rest full responsibility for the formulation of our foreign policy.

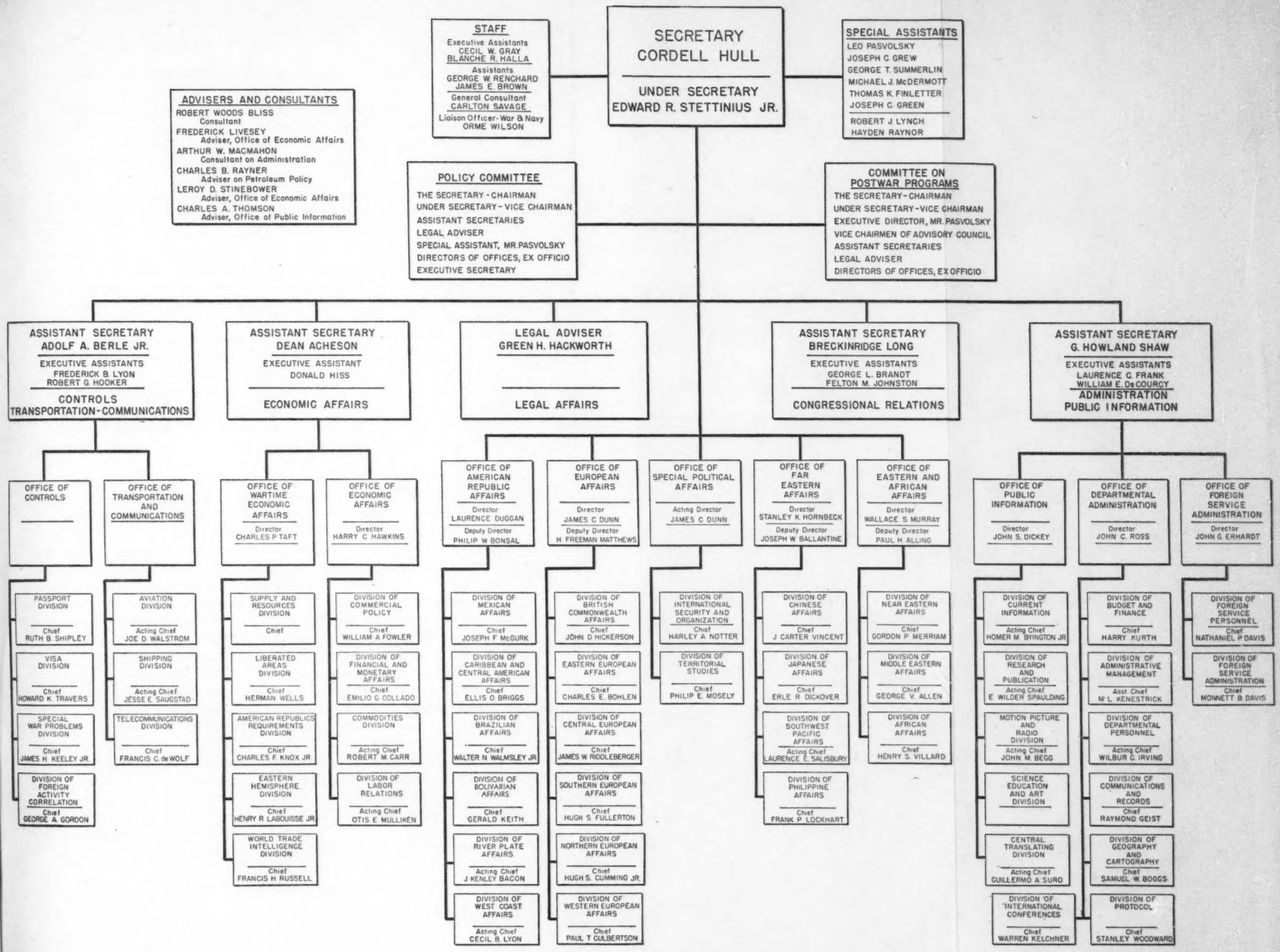
Thus the changing peacetime international position of the United States, as well as the special wartime responsibilities resting upon the State Department, made imperative a sound and smoothly functioning organization. Intensifying this need at every turn were the host of vital international questions looming on the postwar horizon.

II. MAJOR CHANGES EFFECTED BY REORGANIZATION

On January 15, 1944, the Department of State issued a reorganization order intended to "facilitate the conduct of the foreign relations of the United States, in war and in peace . . ." (Text in *Department of State Bulletin*, January 15, 1944). While it is yet too early to judge the effect of the order upon the daily conduct of relations with foreign nations, the reorganization is believed to be of far-reaching and fundamental importance. It is the purpose of this article to outline the major changes made by the order and to indicate in what ways they may make it possible for the Department to execute its responsibilities more effectively. It should be emphasized, however, that this analysis is made on the basis of the departmental order alone, without benefit of experience, and on the assumption that the necessary efforts will be made to put the order into full effect.



ORGANIZATION OF THE DEPARTMENT OF STATE—BEFORE JANUARY, 1944



ORGANIZATION OF THE DEPARTMENT OF STATE—AS OF JANUARY 15, 1944

1. *Consolidation and Regrouping of Functions.* One needs only to glance at the first accompanying chart to realize that the State Department, as so often happens in nearly all kinds of organizations, grew through the years pretty much like Topsy, with divisions added at random when new jobs appeared on the horizon. As a result, the Department's organizational chart reminded one somehow of the curious contours of the Department building itself. Divisions were indiscriminately placed under the direction of the Assistant Secretaries and the Under Secretary without any clearcut administrative pattern. Assistant Secretary Berle, for example, handled such widely disparate functions as finance, aviation, Canada, and Greenland, besides supervising the unrelated activities of the Passport Division, the Division of International Conferences, and the Translating Bureau. Cutting across the chart horizontally, one finds that responsibility for economic affairs was divided among no fewer than seven ranking officials. Mr. Berle handled certain financial problems, Assistant Secretary Acheson, commercial policy and other wartime economic problems, and Assistant Secretary Long, fisheries. There was a special Adviser on International Economic Affairs. Mr. Pasvolsky had charge of the Division of Economic Studies, and Mr. Collado, as Special Assistant, was primarily concerned with economic and financial problems in the Inter-American field.

It takes no expert in government to discover numerous additional administrative idiosyncrasies on the old chart. Thus the Division of International Communications was accountable not only to both Mr. Long and Mr. Berle, but to Assistant Secretary Shaw as well. And responsibility for such functions as translating, research and publications, and the issuance of passports and visas was, in each case, scattered among two, or even three, of the Under and Assistant Secretaries.

Ordinarily when the division of labor in an administrative machine is unclear, there is overlapping and duplication of effort, and the end product suffers accordingly. Staff members with two supervisors may receive conflicting orders, and there is the inevitable confusion as to who is responsible for the execution of a job. Personality conflicts and petty jealousies arise. Worse yet, when speedy decisions are necessary, too many officials have to be consulted before final approval for a project can be secured. It is this official hemming and hawing, as much as anything else, that makes the machinery of foreign policy grind so slowly.

In this respect, the new organization is a decided improvement over the old. In the reshuffling which has taken place, similar functions have been grouped in the same divisions or offices in a rational manner. In order to make clear the drastic character of the reorganization, it is necessary to explain these changes in some detail.

A glance at the preceding charts will indicate the changes that

have taken place in Mr. Berle's office. By transferring the Translating Bureau, the Financial Division, and the Division of International Conferences to other offices, and taking over the Visa Division, the Special War Problems Division, and shipping and telecommunications, Mr. Berle now finds himself in charge of two fairly clear types of functions: control activities, on the one hand, and communications and transportation, on the other. This functional grouping is a considerable improvement over the hodge-podge he formerly had.

Still more significant is the concentration of international economic activities under Mr. Acheson. The Office of the Adviser on International Economic Affairs has been abolished. Moreover, Mr. Berle's financial activities have been transferred to Mr. Acheson, and the personnel of the Division of Economic Studies, engaged in research on postwar problems, has been infiltrated into the operating divisions of the Department dealing with economic affairs. Considering the other changes which have been made, Mr. Acheson's Office of Wartime Economic Affairs and Office of Economic Affairs (the latter dealing with traditional commercial affairs) now become the focal point of the Department in the field of world economic policy.

On the other hand, all of the important administrative and public service functions have been grouped under Mr. Shaw. He inherits all activities relating to the Department's public information program, including the Division of Current Information and various phases of the research and publication program formerly under Mr. Acheson and Under Secretary Stettinius.[2] The Division of Protocol and the two translating offices are likewise moved under his wing. Meantime, he retains jurisdiction over general fiscal and budgetary matters and the administration of the Foreign Service.

To complete the picture, it should be said that Mr. Long has been relieved of administrative responsibilities and will confine his attention to the Department's relations with Congress. Additional comments will be made below on this point and on the central portion of the chart, where the geographical offices of the Department are concentrated. Meanwhile, it is desirable to reëmphasize that significant steps have been taken to rationalize and streamline the operating structure of the Department—steps that should go far toward eliminating jurisdictional squabbles and diffusion of responsibility.

2. *Lines of Responsibility Redrawn.* The re-grouping of the Department's functions is designed in part to lighten the administrative load of the Assistant Secretaries and the Under Secretary so as to leave them

[2] Departmental Order 1229 of February 22 modifies this arrangement by placing all informational activity of an immediate news character under Special Assistant to the Secretary McDermott, and abolishes the Division of Current Information.

relatively free for the handling of high policy matters and for performing the countless tasks which any top administrator must attend to in order to keep his office going. Further steps toward that goal were taken by reducing the number of staff members reporting to top ranking officials. The old organization chart showed 9 division heads reporting to Mr. Acheson, 11 division heads and several special advisers reporting to the Under Secretary, and 13 division heads responsible to Mr. Shaw. Charged with directly overseeing so many functions, some of them unrelated, top officials often found themselves bogged down with relatively unimportant matters.

Under the reorganization scheme, Mr. Shaw still has 14 divisions under him. Yet his administrative load is lightened by the creation of three Office Directors who head up his work in public information, departmental administration, and Foreign Service. Similar arrangements have been worked out in connection with the Under Secretary and the other Assistant Secretaries, with the divisions of the Department grouped in 12 major "line" offices. As a result, lines of responsibility and authority are much more sensibly drawn throughout the entire chart.

3. *Reorganization Around Geographic Divisions.* An imaginative cartoonist has recently depicted the State Department as a football team whose signals are called simultaneously by a number of quarterbacks who are trying to keep several balls in play at once. More serious persons who have analyzed its operations have also agreed that the Department suffered from a diffusion of responsibility among a group of departments within the Department. Particular concern had been expressed over the absence of a clear-cut pattern showing whether foreign policies were formulated in terms of particular countries, in terms of functions or subjects, or on the basis of the influence of key persons.

Some critics have argued that since foreign policies are always formulated and applied to particular countries, the country desks should be made the focal point of Departmental activity. Others have insisted that the broad subject-matter areas, like commercial policy, aviation, or communications, should be the basis of departmental organization. A combination of these two approaches, with the subject-matter specialists emphasizing world-wide policy and serving in an advisory capacity to the country desks, has also been strongly recommended.

Actually, the Department's former organization was in this respect very confusing, as a glance at the old chart will show. Certain of the Assistant Secretaries had both geographical and functional responsibilities. Four area divisions (Far Eastern Affairs, European Affairs, American Republics, and Near Eastern Affairs), with appropriate country desks, were under four corresponding political advisers, responsible to the Under Secretary. However, certain countries (Canada, Greenland, and the

Philippines) were assigned to two of the Assistant Secretaries. Commercial and economic matters, with the exception of finance, aviation, and fisheries, were under one Assistant Secretary, and the exceptions were scattered about indiscriminately.

The departmental order of January 15 puts all country responsibilities under four area offices (American Republics, European Affairs, Far Eastern Affairs, and Eastern and African Affairs). It places in the country divisions of these area offices responsibility "for the initiation and, in particular, the coördination of policy and action in regard to all aspects of relations with the . . . countries." This means not merely consolidation of all country activities, but also that these area offices are hereafter to be the focal points for the formulation of policy and action in foreign relations. So far as they apply to particular countries, the policies or actions of all other offices are to be coördinated by the area offices.

The new plan recognizes the fundamental character of the decision to make the country desks the pivotal point of foreign policy. Instead of being under Political Advisers, as before, the country desks are now to be under Directors of *area* offices. Presumably these area offices will be concerned with all aspects of relations with foreign countries. While in some respects this may be considered only a paper change, the fact is that this part of the Department was usually referred to as the *political* side. Here, more than in other parts, was found personnel recruited and trained by standards prevailing at a time when foreign relations were primarily political relations. There was some contact between the political desks and the economic staffs, but such relationships were sporadic and personal. The new plan clearly states that our policies and actions toward other countries are much broader than political and shall be formulated with due consideration for all the facets of a modern foreign policy.

The central character of the area offices was further emphasized by giving to the directors of these offices *de facto* status on a level with the assistant secretaries. They report directly to the Secretary through the Under Secretary. Finally, the rôle of the country desks is indicated by the increase under the new plan in the number of divisions and the opportunity provided for increasing the size of the staff working on specific countries. This is especially noticeable in regard to Far Eastern and African Affairs—a clear indication of the rising importance of these areas.

In keeping with the decision to follow an area or geographic plan for policy formulation is the innovation of creating a central point to coordinate relations with international organizations. There was previously a Division of International Conferences under Mr. Berle. This has been transferred to the Office of Departmental Administration, where its functions will be limited to making arrangements for international conferences, seeing that United States responsibilities are fulfilled with respect to international bureaus and other agencies, supervising appro-

priations for conference activities, etc. A new Office of Special Political Affairs is to be concerned with general as well as regional international peace and security arrangements and other arrangements for organized international coöperation. It will be the point of contact for the State Department with international organizations and agencies on such matters. With the need for postwar international organization already evident in such fields as civil aviation, telecommunications, transportation and shipping, intellectual coöperation, food and agriculture, health and sanitation, disarmament, finance and currency stabilization, minorities, boundaries, and commercial problems—and through experience with the International Labor Organization, the Permanent Court, and the League of Nations—the magnitude of the job that lies ahead is apparent. The Office of Special Political Affairs ranks with the four area offices already described.

Although the intent of the reorganization appears clear, it remains to be seen whether the Offices of Transportation and Communications, Wartime Economic Affairs, and Economic Affairs recognize the limits of their functions when they become concerned with policies in relation to specific countries. The scope of activity of the Office of Transportation and Communications extends to "all matters concerning the international aspects of transportation and communications." The Office of Wartime Economic Affairs is concerned with "all matters pertaining to the wartime economic relations of the United States with other governments." The Office of Economic Affairs is concerned with "all matters pertaining to international economic affairs, other than those of a wartime character."

Clearly it was necessary to have someone in the Department concerned with the world-wide aspects of these highly important economic affairs. Only in this way can we be assured of consistency among our policies on these subjects in relation to various countries. Yet it will continually be necessary to remember that the order apparently intends that the five area offices are to be line offices and that the others are to serve in a staff capacity.

4. *Facilities for Increasing Public and Congressional Understanding.* In an era when domestic welfare is dependent upon international relationships, the conduct of foreign relations is clearly of great concern to all the people. In like manner, the widening character of international relations calls for a greater knowledge by the Congress of the scope and method of negotiations with foreign countries.

The reorganization recognizes the inadequacies of the previous arrangements for keeping the people and Congress informed. An Office of Public Information takes its place on a par with the other eleven major offices of the Department. An Assistant Secretary has been designated for the sole purpose of maintaining Congressional relations.

The Office of Public Information, with its five divisions (Division of

Current Information; Research and Publication; Motion Picture and Radio; Science, Education, and Art; and Central Translating) presents one of the most interesting developments in departmental thinking. The order recognizes the rôle of private groups and organizations in furthering public understanding of foreign policy and gives to this Office responsibility for dealing with them. It also gives to the Office the task of collecting and analyzing "materials relating to public attitudes on current foreign policy questions." Finally, relations with the domestic and foreign press, radio, and films will be centered here.[3]

Potentially of great significance is the inclusion in this Office of the clearly related publication and cultural relations functions. Both of these are the means through which long-run understanding of foreign relations (as distinct from spot information through press, radio, and motion picture) may be furthered. The Division of Research and Publication will continue to bring together the record of our foreign relations and make it available not only to the departmental officers engaged in formulating future policy, but also to the public in the form of publications. Thus this Division provides important coördination between past and future official policy, and between official action and public education.

The inclusion of the Science, Education, and Art Division in the Office of Public Information shows recognition of the rôle of cultural relations in furthering understanding of international affairs. Its program will include all "matters pertaining to international coöperation in the fields of science, education, and art," and will extend to maintaining appropriate relations not only with foreign agencies, but also with domestic educational institutions and private agencies participating in international cultural activities.

What facilities will be provided for drawing Congress more closely into the task of formulating and executing foreign policies cannot be predicted from the order. However, the special status given to the subject of Congressional relations by the reorganization is evident recognition of the appropriateness of Congressional interest, and of the need for Congressional understanding of departmental activities. The framework has been provided for carrying out the conception of working relations between the two ends of Pennsylvania Avenue as expressed by Secretary Hull in the Department's radio program of January 29, 1944: "Under our system of government, the safeguarding and promotion of the nation's interests is a joint responsibility of the Executive and the Legislature. Neither can be effective without the other, and the two together can be effective only when there exists between them mutual trust and confidence. In peace

[3] Departmental Order 1229 abolishes the Division of Current Information, placing immediate news functions under Mr. McDermott, and adds a Public Liaison Division to the Office of Public Information.

and in war, the two branches of the Government are joint trustees of the country's destiny."

5. *Creation of the Division of Labor Relations.* Among the many new divisions created by the order, the Division of Labor Relations deserves special mention. While the Department has done some work in this area before, the emergence of a new division to handle labor problems is a clear indication of the growing importance of the international aspects of labor. Of particular interest is the broad mandate given the Division. It not only has responsibility for initiating and coördinating policy and action in matters pertaining to the effect of wages and hours and working conditions in foreign countries upon United States foreign relations, but it is also concerned with international arrangements to promote full employment, health, and economic and social welfare in general. The establishment of this Division underlines once more the interdependence of peoples in the international community. On the other hand, it raises very serious questions concerning the functions of the Department in view of the responsibilities of the Department of Labor in this area.

6. *Creation of the Policy Committee.* One accusation often made against the Department is that it is set up, for the most part, to handle day-to-day operations. It is charged that there is relatively little staff planning and relatively little effort made to set up a framework of foreign policy within which current and future decisions can be intelligently made. Rather, problems are handled on an *ad hoc* basis, too often without an adequate interchange of views among the interested officials, and without due regard for what has happened yesterday and what may develop tomorrow.

Whatever the validity of this criticism, the need for current and long-range joint planning is apparent. Any decision by the Department in respect to the Russo-Polish boundary line, for example, will have to be taken not only in the light of wartime exigencies, but also in the light of our postwar relations with Russia and Poland, and the possibility of a general European settlement. The problem of recognition of old and new governments equally requires long-range thinking. The welfare of Europe tomorrow may well depend upon the wisdom of our choices today.

In order that the top officials of the Department may jointly focus their attention upon such problems, the reorganization plan calls for the creation of two principal committees—a Policy Committee and a Committee on Postwar Programs. Secretary Hull will be chairman of each of these, and Under Secretary Stettinius will serve as Vice-Chairman. The Assistant Secretaries, the Legal Adviser, and Mr. Pasvolsky, Special Assistant to the Secretary, will be members, and the twelve Directors of Office will be *ex officio* members, of both committees.

According to the terms of the departmental order, the Policy Com-

mittee is to "assist the Secretary in the consideration of major questions of foreign policy." The great significance now attached to this function is shown by the fact that the Committee replaces the old Committee on Political Planning, formerly under the chairmanship of Assistant Secretary Long. Mr. Long's committee, made up of six staff members below the rank of Assistant Secretary, lacked the breadth of departmental representation to do the top-flight planning needed in the Department. The new committee, staffed with high-ranking officers, and meeting regularly three times a week, should offer ample opportunity for an exchange of views on the major problems of American foreign policy.

In view of the Committee's size, however, it should not be expected to revolutionize Departmental procedure. Many policy questions will still have to be settled at the Office Director level; indeed it would be most unfortunate if the Committee's agenda were cluttered up with problems of secondary importance.

7. *Correlation of Policy-Making with Post-War Planning.* Constituted on the same high level as the Policy Committee, and (inasmuch as it is made up of the same personnel) apparently designed to work hand in glove with it, is the Committee on Post-War Programs. This committee is charged with the duty of assisting the Secretary in the formulation of postwar foreign policies and the execution of such policies through appropriate international arrangements. The Executive Director of the Committee, Mr. Pasvolsky, has a very small staff of his own, but has the authority to call upon the various offices and divisions of the Department for such help as he may need in carrying out the Committee's responsibilities.

This does not mean that the Department had previously neglected postwar planning on a technical level. During the past two years, a large number of scholars and specialists in the international field have been brought into the Department in order to help chart the future course of American policy. These experts have been preparing reports and memoranda on various aspects of foreign policy, presumably for the use of those who will plan and negotiate the peace. With them came the long-range kind of planning which the operating officials of the Department did not have the time to do.

The work of the group was conducted under a veil of secrecy for a time, however, and its effectiveness was limited by the fact that the staff was not close enough to daily operations. It became apparent that this research and analysis activity had to be much more closely meshed with top policy on the one hand and routine operations on the other. Otherwise, the gap between the practical and the theoretical, between the past, the present, and the future, could not be satisfactorily bridged.

The creation of the Committee on Post-War Programs was designed to

achieve the first objective—the harmonization of postwar planning with top policy. Further, the reorganization removed the postwar divisions from their relative isolation and made them a more vital part of the Department's working mechanism. The Division of Economic Studies was dismantled and its experts were moved into Mr. Acheson's divisions, where research assistance had been sorely needed. The Division of Political Studies becomes a part of the Office of Special Political Affairs, whose two divisions have responsibility for initiating and coördinating policy and action in respect to such matters as (a) peace and security arrangements and other arrangements for organized international coöperation, and (b) the analysis and appraisal of conditions in foreign countries arising out of the war and relating to postwar settlements of interest to the United States. While the new Office will work with other divisions of the Department on various problems, it will be particularly concerned with world-wide aspects of political matters such as international security and organization.

III. EVALUATION AND CONCLUSIONS

The reception accorded the reorganization scheme by the public has varied; it was praised in some quarters and denounced in others. More severe critics, like the *Washington Post* and *PM*, maintained that "the Department hasn't budged an inch," because no important changes have been made in respect to personnel. "Structurally," argued the *Post*, "there can have been no change like it in the last half-century." But "the end-result of this architectural metamorphosis boils down to a serried retitling of the same officials. The more it changes, the more it is the same thing."[4]

Only the most naïve optimist would argue that the reorganization is a panacea for the Department's ills. Even if it were perfect—and it obviously is not—it still would take a determined effort on the part of the entire staff to make the new plan work; for no reorganization scheme is worth the paper it is printed on unless the officials involved do their part. Fortunately, the Department apparently recognizes that this is no time for it to rest on its oars. The *Department of State Press Release* of January 15, 1944, emphasizes that the new organization is not to be regarded "as the final answer to all the Department's administrative problems." Presumably the reorganization will serve as a point of departure rather than as an end in itself.

The creation of the Division of Administrative Management bolsters the hope that the Department will display a continuing interest in over-all management problems. Among other things, in the language of the order, this Division will have responsibility for general administration and

[4] *Washington Post*, Jan. 17, 1944. Cf. *PM*, Jan. 17, 1944.

organizational problems, effective administrative coördination between offices and divisions within the Department, inter-office and inter-divisional definitions of responsibility, and effective administrative relationships between the Department and other governmental and intergovernmental agencies. This is a large assignment. It means that a group of experts in administrative management are to be given the task of watching over the machinery of the Department, ferreting out its weak spots, and taking the necessary steps to correct them. It means, too, that a special effort will be made to perfect working relationships among the 50 divisions, to the end that duplication and overlapping may be avoided and the huge Department mechanism function more smoothly. But the mere existence of the Division of Administrative Management is not enough. The new agency cannot make a real contribution toward the smooth functioning of the Department unless the top officials are willing to use its services and accept its recommendations.

Meantime, much remains to be done. In the first place, the problem of internal liaison must be worked out. As the Department expands and our international relationships become more complicated, the need for a complete exchange of information among the staff members increases. This may be achieved in part by perfecting the system of intra-departmental committees, so that representatives of different divisions and offices shall have an opportunity to discuss thoroughly the implications, let us say, of our government's policy *vis-à-vis* Franco. Informal seminars and other in-service training devices for Washington staff as well as for returning field staff may also be found helpful. In any event, if serious blunders are to be avoided, the Department's right hand must know what its left hand is doing.

In the second place, still further consolidation might prove beneficial. The dividing line between Mr. Berle's Office of Transportation and Communications and Mr. Acheson's Economic Affairs, for example, is not a natural one, as students of foreign policy well know. Going one step further, some people argue that it would be a realistic move to merge Mr. Acheson's entire Economic Affairs staff with the five political offices. In this way a proper synthesis of the economic and the political might be effected, and foreign policy problems—without being tagged with misleading labels, as they often are—be examined as they relate to a particular country or region. Whether or not one accepts this view, it is clear that closer working relations will have to be developed between the Department's political and economic arms.

In the third place, satisfactory relations between the Department and other agencies must be worked out—both in Washington and in the field. To be sure, a rough division of labor has been evolved, with the Depart-

ment responsible for the determination of foreign policy and agencies like CIAA and FEA charged with responsibility for carrying out actual operations within the framework of policy erected by the Department. But the line again is unclear, and knotty problems of jurisdiction inevitably will arise.

Lack of space precludes a discussion of other matters. It may suffice to point out (1) that the reorganization left untouched the Foreign Service and its many problems connected with recruitment, training, functions, etc.; (2) that critics insist that the Department's thinking is still dominated by precedent, tradition, and rigid concepts of international law; (3) that a more satisfactory system of communicating political and economic intelligence within the Department, to and from the field and to other government agencies, must be worked out; and (4) that internal procedures for the routing and clearance of papers need to be devised so that the full effect of the reorganization may be realized.[5]

THE FIRST SESSION OF THE SEVENTY-EIGHTH CONGRESS

(January 6–December 21, 1943)

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In his budget message for the fiscal year ending June 30, 1944, which really should be labelled the State of the Union Message, President Roosevelt presented in outline his legislative program, which occupied Congress for the session. The message was devoted primarily to war expenditures, farm and food program, stabilization program, civilian control, non-war expenditures, the debt limit, and a pay-as-you-go tax system.

Organization. The political complexion of the Seventy-eighth Congress

[5] As this article goes to press, the following additional changes since the reorganization of January 15 may be noted: A Division of Coördination and Review has been established in the Office of Departmental Administration to review and coördinate all out-going correspondence. The title of the Office of Eastern and African Affairs has been changed to Office of Near Eastern and African Affairs. The position of Adviser on Refugee and Displaced Persons has been established in the Office of Wartime Economic Affairs. An Information Service Committee has been created under the Director of the Office of Foreign Service Administration to improve the flow to each mission abroad of information about developments in other parts of the world. A planning staff has been created in the Office of Foreign Service Administration for improving the reporting and other services of the Foreign Service to the Department and to the agencies.

differs considerably from that of the Seventy-seventh,[1] particularly in the House. The Republicans gained 47 Representatives and ten Senators, while the Democrats lost 45 Representatives and nine Senators. The third parties retained the same number of Representatives, but lost one Senator. The change in personnel was even greater, with thirteen changes in the Senate's membership and 106 in that of the House. The chairmanship of three standing committees of the Senate[2] and fifteen of the House[3] were changed at the beginning of or during the session.[4]

Continuity in leadership was not much affected by the decided change in status of the political parties; differences were evident in the majority party's fight for dominance. During the session, there were no changes in the Senate leadership around which the Democratic and Republican machines were built; five such changes were made in the House leadership.[5]

Procedure: General Aspects. The session ran from January 6, 1943, through December 21, both houses having adjourned for a summer vacation from July 8 to September 14. The House and Senate were in session 137 and 187 days, respectively. The proceedings printed out 11,116 pages of the *Record*, as compared with 16,532 and 10,000 pages, respectively, for the First and Second Sessions of the Seventy-seventh Congress, and 21,846 for the Third Session of the Seventy-sixth. Of the 11,116 pages, the House proceedings accounted for 6,217 and Senate proceedings for 4,899.

The following table gives categorically, for the last four sessions of

[1] The statistics are as of the opening date of each Congress.

[2] The three changes were Senator Downey to the chairmanship of the Civil Service Committee, Ellender to Claims, and Bilbo to Pensions.

[3] The fifteen changes in the standing committee chairmen were: Representative Spence to the chairmanship of the Banking and Currency Committee, Allen to Census, Barden to Education, Worley to the Election of President, Vice President, and Representatives in Congress, Domengeaux to Elections Committee No. 1, Klein to Enrolled Bills, O'Connor to Indian Affairs, Bell to Insular Affairs, O'Toole to Library, Murdock to Memorials, Boykin to Patents, Buckley to Pensions, Burch to Post Office and Post Roads, Peterson (Fla.) to Public Lands, and Robinson (Utah) to Roads.

[4] See *Official List of Members of the House of Representatives*, Dec. 9, 1943, 78th Cong., p. 15. The party division at the beginning of the 78th Congress was as follows: in the Senate, 57 Democrats, 38 Republicans, 1 other; in the House, 222 Democrats, 209 Republicans, and 4 others.

[5] For a table of party leadership in the Seventy-seventh Congress, see this REVIEW, Vol. 36, p. 292. The five changes were: Representative Ramspeck of Georgia became Democratic Whip, Representative Doughton of North Carolina became chairman of the Democratic Caucus, and Representative Crosser of Ohio became chairman of the Democratic Steering Committee. Representative Arends of Illinois became the Republican Whip and Representative Woodruff of Michigan became chairman of the Republican Caucus.

Congress, the number of bills debated by either chamber for three or more printed pages each of the *Congressional Record:*

TABLE I

Pages Debated	76TH CONGRESS THIRD SESSION		77TH CONGRESS FIRST SESSION		77TH CONGRESS SECOND SESSION		78TH CONGRESS FIRST SESSION	
	House	*Senate*	*House*	*Senate*	*House*	*Senate*	*House*	*Senate*
3– 5	7	7	7	10	20	13	10	10
5– 10	25	13	20	14	26	16	16	13
10– 15	14	16	24	9	10	5	24	11
15– 20	12	3	9	7	13	2	7	5
20– 25	4	3	15	7	5	5	3	5
25– 30	14	4	9	5	6	5	8	3
30– 35	8	3	8	2	3	1	3	2
35– 40	4	4	3	2	4	0	5	0
40– 45	2	2	1	2	3	1	1	1
45– 50	2	1	3	1	1	0	1	1
50– 60	5	6	2	0	5	4	5	5
60– 70	4	1	1	2	1	2	4	1
70– 80	2	5	5	1	0	1	3	1
80– 90	1	1	0	0	1	0	1	0
90–100	3	0	1	0	1	1	2	1
100–125	2	3	3	1	0	3	4	6
125–150	0	2	1	1	2	1	2	0
150–175	0	2	2	0	0	3	1	1
175–200	2	1	1	1	1	0	0	0
200–300	3	0	1	0	0	0	1	2
300–400	1	2	0	1	0	0	0	0
400–500	0	0	0	0	0	0	0	0
500–600	0	0	0	1	0	0	0	0
600–700	0	1	0	0	0	0	0	0
Totals	115	80	124	67	102	63	101	68

The above table is significant as one of the most accurate criteria of the actual legislative activity of the two chambers. (1) It shows that of the 702 bills and resolutions passed by the Senate during the session, only 68 were controversial at all. The other 634 measures were presented to the Senate with little or no mention of their contents, and were passed by voice vote or "without objections." Of the 795 bills and resolutions passed by the House, only 101 stirred any real discussion. The other 694 were called up, read by the clerk, and passed by voice vote or "without objections." (2) The table demonstrates that of the 6,217 pages of the *Congressional Record* devoted to House proceedings, only 3,320 were utilized for the debate of legislative measures. The other 2,897 were consumed by miscellaneous remarks, texts of bills, and the like. Similarly, of

the 4,899 pages of the *Record* devoted to Senate proceedings, only 2,535 pages were utilized for the debate of legislative measures. (3) The subject debated at greatest length in the Senate was the Connally Peace Machinery Resolution (S. Res. 192), discussion of which ran ten days and filled some 263 pages of the *Record*. The Agriculture Appropriation Bill (H.R. 2481) was the measure discussed at greatest length by both bodies, which was also the case in the Second Session of the Seventy-seventh Congress.

Senate Procedure. Senate procedure was not unlike that of all recent sessions. Most of the bills approved were acted on after brief consideration. Of the 702 bills and resolutions passed, 634 were adopted after a minimum of consideration. Except during the consideration of a few measures, Senators were not particularly active in debate, and at different times, under unanimous consent agreements, they limited themselves as to the time they might talk on an issue. On December 15, during the bitter debate between Senators Lucas and Moore on the effect of soldier vote legislation on the 1944 presidential election, attendance dwindled until Sergeant-at-arms Doxey was instructed to "bring in the absentees." Two roll-calls in mid-afternoon disclosed that only 41 Senators were present—eight short of a quorum. This was the first time since the anti-poll-tax filibuster of November, 1942, that the Senate was forced to employ its sergeant-at-arms to round up enough members to make a quorum.

House Procedure. In the House, more than 700 of the 795 bills and resolutions passed were disposed of under unanimous consent.[6] The others were called up and disposed of as privileged business—in order when reported in pursuance of the rules of the House, under the Discharge Calendar procedure, and under special rules reported by the Rules Committee. The Rules Committee reported 49 resolutions providing special consideration for the same number of pieces of legislation, of which five were never called up.[7] The House adopted 40 of these, in effect suspending its rules in each instance by adopting one of these simple resolutions setting up a special order of business (the immediate consideration of some particular bill). An analysis of these rules shows that of the 40 adopted, all but three provided for the immediate consideration of particular bills; 34 were open rules merely giving otherwise unprivileged business the right of way for a hearing. Only five could be classed as closed rules, of which two were granted solely to save points of order against their respective appropriation bills. All but four specified a maximum time for general debate (to be divided equally between members favoring and those opposing) of a particular bill (10 provided for one

[6] Unanimous consent procedure business includes bills called up out of order, by request, from the Unanimous Consent Calendar, and from the Private Calendar, all of which are passed without objection.

[7] Four were called up and "laid on the table."

hour, 17 for two hours, two for three hours, three for four hours, and four for two days). Thirty-four rules provided that their respective bills be read under the five-minute rule for amendments immediately following the general debate, "and that thereupon the committee shall rise and report the same to the House, such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit."[8]

The rule under which the 1943 tax bill was considered (which provided for two days of general debate) stipulated that after general debate, "which shall be confined to the bill . . . the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by the direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of the general debate, but such amendments shall not be subject to amendment." This was the most drastic rule adopted during the session.[9]

All but two of the bills called up under special rules passed the House; two were defeated by the House; two were vetoed by the President;[10] one was still pending in conference at the end of the session; twelve passed the House but at the close of the session had not been acted on by the Senate; and 23 became law. These results definitely disclose that the Rules Committee is not solely an agent of the majority party, and that it does more than clear the way for legislation desired by the Administration.

Calendar Wednesday procedure was not used during the entire session. During the previous session,[11] the rule was invoked on three different occasions, with seven committees receiving the call. The suspension-of-rules procedure was used for passage of eight bills, on six different days.[12] All eight of the measures became law.

[8] Thirty-five resolutions carried the clause "without intervening motion except one motion to recommit."

[9] H.Res. 360. See also H.Res. 206 and H.Res. 330; also H.Res. 275 and H.Res. 292 providing for sending bills with Senate amendments to conference. On September 20, the House adopted a rule (H.Res. 302) providing that the time for debate on a motion to "suspend the rules and pass House Concurrent Resolution 25 shall be extended to 4 hours, such time to be equally divided . . . and said motion to suspend the rules shall be the continuing order of business of the House until finally disposed of." The House, on June 30, adopted an unusual rule providing that "during the remainder of the week ending July 3, 1943, it shall be in order to consider conference reports the same day reported to the House notwithstanding the provisions of clause 2, Rule XXVIII." H.Res. 278.

[10] H.R. 2869 and S. 660. [11] 77th Cong., 2nd Sess.

[12] See H.R. 1366, H.R. 1860, H.R. 2703, H.R. 2798, H.R. 2936, H.J.Res. 147, H.Res. 292, and S. 972.

Eighteen motions to discharge committees from consideration of bills were filed, and three of them received 218 signatures, the number necessary for entry on the calendar.[13] Of the three so entered, two were called up[14] and passed; but both were left pending in the Senate when the session adjourned. The third bill was left on the House calendar.

Legislative Activity. A total of 384 laws were enacted, of which 219 were public and 165 private.[15] The House passed 795 bills and resolutions and the Senate 702.[16] Forty-nine bills were sent to conference, of which 45 were cleared for enactment and four left in conference at the close of the session. Many measures, after having advanced one or more steps toward enactment, were left unfinished; the President vetoed sixteen bills, making a total of 595 bills vetoed by him since 1933, when he took office.

Appropriations. Congress had a heavy year with appropriations, enacting twenty-one appropriation bills[17] involving a total of $114,564,008,594 of direct appropriations. In only one year of Congressional history has the total been larger: in 1942, Congress appropriated $147,071,208,961 (as compared with $57,792,715,367 in 1941).

A study of the history of the appropriation bills reveals that the Senate was more liberal in appropriating funds for the Administration than was the House, although both were more conservative than the Bureau of the Budget. The twenty-one appropriation measures accounted for much of the work of the session, keeping the two appropriation committees extremely busy.[18] The appropriation bills of the year carried an unusual amount of legislation.[19]

Legislation. The work of the two houses during the session can well be

[13] See H.R. 7, H.R. 2887, and H.Res. 29. [14] H.R. 7 and H.R. 2887.

[15] In the First Session of the Seventy-seventh Congress, a total of 649 laws were enacted, of which 397 were public and 252 private; in the Second Session, a total of 836, of which 453 were public and 383 private.

[16] Each house played a more important rôle in legislative activity than the above figures show. Of the 795 measures passed by the House, 420 were House bills, 140 Senate bills, 32 House Joint Resolutions, 5 Senate Joint Resolutions, 12 House Concurrent Resolutions, 8 Senate Concurrent Resolutions, and 178 simple House Resolutions. During the Session, 4,568 bills and resolutions were introduced in the House, of which 3,903 were House bills, 210 House Joint Resolutions, 64 House Concurrent Resolutions, and 391 House Resolutions. House Committees made 982 reports. Of the 702 measures passed by the Senate, 258 were Senate bills, 237 House bills, 19 Senate Joint Resolutions, 28 House Joint Resolutions, 9 Senate Concurrent Resolutions, 12 House Concurrent Resolutions, and 139 Senate Resolutions. During the session, 1,971 bills and resolutions were introduced in the Senate, of which 1,611 were Senate bills, 105 Senate Joint Resolutions, 29 Senate Concurrent Resolutions, and 226 Senate Resolutions. Senate Committees made 628 reports.

[17] The House passed 22, but one (H.J.Res. 208) was left pending in the Senate.

[18] For a thorough analysis of these appropriations, see *Appropriations, Budget Estimates, etc.*, by Marcus C. Sheild, clerk to the House Committee on Appropriations, and Everard H. Smith, clerk to the Senate Committee on Appropriations, pp. 1–735.

[19] The rules of the House and Senate contain a prohibition against including

divided into the following classes: disposition of appropriation bills, which took up much of the time of the session;[20] passage of defense bills in the form requested by the Administration, without much debate except for the bills amending the Selective Service Act; adoption of resolutions creating select and investigating committees and a discussion of their activities and reports;[21] and a discussion of various subjects as distinguished from legislative bills, particularly on the war, peace, and postwar planning.[22]

The history of the subsidy bills presents an interesting legislative study. In the early part of the session, the House and Senate passed a bill[23] to continue the life of the Commodity Credit Corporation, with a proviso to outlaw consumer subsidies.[24] The President opposed the proviso; he had asked only that the life of the CCC be extended and that its capital assets be increased. The President vetoed the bill,[25] and Congress, unable

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legislative provisions in an appropriation bill, but if no one makes a point of order against a proposed legislative provision being so included, it will be included, with majority approval of both houses. By a two-thirds vote in the Senate, and by the use of a special rule in the House, legislation might be included in an appropriation bill, points of order to the contrary notwithstanding. Note the comments by two Representatives on this situation. Representative Fulmer said: "Does not the gentleman think that the Committee on Rules acted wisely in that the Committee on Appropriations has taken over all the legislative functions of the Committee on Agriculture? In fact, this bill contains more legislation than any appropriation bill that has ever been presented to the House since I have been a member during the past 22 years" (*C.R.*, p. 3421). Representative Dirksen said: "May I make one allusion to this question of points of order that may be raised? I do not know how you are going to write an appropriation bill that does not have some legislative provisos in it. If I went to the trouble to take this bill and start with page 1 and strike out every provision that technically, at least, seems in violation of the rule which interdicts the insertion of legislation in an appropriation bill, I probably could reduce it to 30 pages the first time over. Then if you devote yourself more assiduously to the job, there would probably be less than half the original bill remaining. Frankly, I do not know how you are going to do the job, when you deal with anything like the Department of Agriculture, with innumerable bureaus and agencies, countless functions, dealing with the production and distribution of food. It is enough to baffle anybody. I expect if I remained at this type of labor for a quarter of a century I would only have scratched the surface of the problems which one constantly encounters in this task" (*C.R.*, p. 3432).

[20] The House devoted 1,268 pages of its proceedings to debate of the appropriation bills, while only 588 pages of the Senate proceedings were so consumed.

[21] See section below on investigating committees.

[22] Only a few, if any, of the roll-call votes show division on straight party lines.

[23] See H.R. 2869 and S. 1108.

[24] Originally, both the House and Senate Banking and Currency Committees reported their bills with a proviso to outlaw subsidies. Subsequently, Administrative objection to this prohibition caused both committees, after they had reported their bills, to reconsider them.

[25] See House Doc. 249. Speaking of his consumer subsidy program, in the veto message, he stated: "It should and must be continued."

to override the veto (although mustering a majority vote against it), reluctantly passed a simple joint resolution to extend the life of the CCC to December 31, 1943.[26] Just before the close of the session, Congress was asked again to extend the life of the Corporation, and again the House passed a bill not only doing so but also outlawing consumer subsidies. The bill was referred in the Senate to the Banking and Currency Committee. The Committee held hearings, but was unable by the close of the session to reach an agreement on reporting the measure. Senator Barkley, carrying the ball for the Administration, was unwilling that the bill be reported with the proviso outlawing subsidies; a majority of the committee membership was unwilling to report the bill without such proviso. Consequently, just before the session ended, another simple joint resolution, without limitations on consumer subsidies, was passed to extend the life of the CCC until February 15, 1944.[27]

Congress devoted much time to taxes, enacting one bill (H.R. 2570) on pay-as-you-go (as recommended by the President in his budget message of 1944), and getting a general revenue bill (H.R. 3687) ready for Senate consideration by the close of the session. Congress had given some consideration to a pay-as-you-go tax program in 1942 when the Senate Finance Committee was holding hearings on the 1942 Revenue Bill. The first bill reported on the subject[28] was considered in the House from March 25 through March 30, but was recommitted to the Ways and Means Committee by a vote of 248 to 168. A second bill was reported on April 30, which also was sponsored by Chairman Doughton, and passed by the House on May 4 by a vote of 313 to 95, after being amended to incorporate the Robertson-Forand version. The Senate Finance Committee amended the bill by inserting the Ruml plan, which passed the Senate by a vote of 48 to 31. In conference, a new bill was written and adopted by both houses. The Treasury took a negative position on the bill, since it had no plan which it cared to sponsor. It did, however, successfully fight proposals to which it was much opposed. The Administration asked Congress to write a tax law to provide additional revenue estimated at $10,560,000,000. The House and Senate Committees refused. The ensuing bill was not finally enacted during the session, but at no time did it take a form providing as much as three billions, and at all stages through Congress the bill was fought by the Administration.

The Smith-Connally Anti-Strike Bill had a stormy voyage. Generally speaking, the rules specify to which standing committees of the House and Senate bills shall be referred. The exact committee to which a bill is referred, however, depends on how the measure is drafted, as well as upon its contents. This situation was well illustrated in the disposition of labor

[26] H.J.Res. 147. [27] S.J.Res. 103. [28] H.R. 2218.

bills comparable to the Smith-Connally Bill. Many such bills had been pending in Congress during the past several years, in the House before the Labor Committee and in the Senate before the committee on Education and Labor. But sponsors of such bills had been unable to get a vote by either of the committees on the subject. The authors of the Smith-Connally law were finally able to get favorable action on their proposal because they conceived the idea of writing the legislation after such a fashion as to get it referred to committees other than the labor committees. In the Senate, the Judiciary Committee handled the bill; in the House, the Military Affairs Committee. The two labor committees, however, protested vigorously, contending that legislative high-jacking had been resorted to by legislation within their jurisdiction being taken out of their hands.

Some of the legislation included in appropriation bills is important enough to merit mention here. Most of it had the effect of closing up shop for particular agencies of the Administration. In the case of the Treasury-Post Office Appropriation Bill, an attempt was made to prohibit the operations of the Silver Purchase Act and to eliminate the use of penalty mail; but they were lost or modified before the bill was finally enacted.[29]

In the case of penalty mail, when the House had under consideration the Treasury-Post Office Appropriation Bill for the fiscal year 1944,[30] an amendment by Representative Keefe (R) of Wisconsin to prohibit funds carried in the bill to be "expended for the purpose of collecting, soliciting, handling, transporting, or delivering free the mail of any officer in any executive or administrative agency of the Government," was adopted. The Senate struck it out, but adopted the so-called Tydings amendment which provided that the Bureau of the Budget and the Postmaster General should conduct a study of the use of official free mail by the Administrative branch of the government and to report to Congress. These amendments, in turn, were eliminated in conference, and a new proviso which became law was substituted, authorizing the Joint Committee on Investigation of Non-Essential Federal Expenditures to make a study of the problem of penalty mail (free mail for Administrative agencies) and to recommend to Congress legislation to correct any abuses discovered.[31]

In the Independent Offices Appropriation Bill, provision was made for the liquidation of the NRPB and the HOLC.[32] A provision in the Agri-

[29] An amendment to prohibit the use of funds for operation of the Silver Purchase Acts was eliminated from the act in conference after having been approved by the House and rejected by the Senate.

[30] H.R. 1648 [31] See P.L. 102.

[32] P.L. 90. The law provided $50,000 for the liquidation of NRPB by August 31, 1943, and $11,642,200 for the liquidation of the HOLC "at the earliest practicable date."

culture Appropriation Bill provided for three and one-half millions for liquidation of the Federal Crop Insurance Corporation.[33] The NYA was liquidated in the Labor-Federal Security Appropriation Bill.[34] Attempts by the Senate to add provisions in different bills to the effect "that no part of this appropriation shall be available to pay the salary of any person at the rate of $4,500 per annum or more unless such person shall be appointed by the President, by and with advice and consent of the Senate," were futile. And lastly, a clause was incorporated in the Urgent Deficiency Appropriation Bill (H.R. 2714) to prohibit the use of any funds appropriated therein or in any other act to pay any part of the salary or other compensation for the personal services of three individuals alleged to be subversive, "unless prior to such date such person has been appointed by the President and by and with the advice and consent of the Senate."[35]

A number of bills which consumed much of the time of the committees as well as of the two legislative chambers were acted upon, but failed to reach final enactment. Bills on the control of the food administration took much time. The Senate debated for several days a federal aid education bill (S. 637), but after an amendment by Senator Langer was adopted to prohibit any distribution of funds that would involve discrimination against race or color, the bill was recommitted, primarily because of opposition by Southern Senators. Committees spent much time on national war service bills (S. 666 and H.R. 1742), a bill to create an office of war mobilization (S. 607), and one to establish an office of scientific and technological mobilization (S. 702).[36]

[33] P.L. 129. [34] P.L. 135.

[35] Representative Dirksen made the following remarks to the House about this case: "Mr. Speaker, let me suggest something to the membership of the House that I think has very, very serious implications. On the 21st of April, a subcommittee of the Appropriations Committee brought in a recommendation with respect to three persons employed in the Government, and in two of the cases the subcommittee recommended that they were unfit to continue in the Government service. Those two are employed by the Federal Communications Commission.

"Five days later, on the 26th of April, the Federal Communications Commission had a meeting. They examined into the qualifications and the fitness of those on whom the congressional committee had already passed. Let me say that 3 of the Commissioners, of course, dissented, but 4 of the Commission concurred in this report, some 26 pages long.

"The last sentence of that report is as follows: 'In the light of the foregoing, we find no basis or reason for the dismissal of Watson, Schuman, or Dodd from employment of the Federal Communications Commission.'

"The question that this Congress is going to have to determine is, Are we going to tell the Federal Communications Commission what it must do or is it going to tell us what we shall do? If one agency prevails in a case of this kind, make no mistake, it will completely destroy the supervisory legislative power of the Congress (*C.R.*, p. 4218). [36] No bill on either of these two subjects was reported.

The best example of pressure legislation during the session is found in the actions on S. 1457, to authorize expenditure from $25 to $30 million a year for newspaper advertising to promote war bond sales. The bill was introduced by Senator Bankhead (D) of Alabama on October 18 and reported to the Senate on October 29.[37] The Senate Banking and Currency Committee, which handled the bill, held hearings for four days,[38] but only witnesses in favor of the legislation testified. The Senate passed the bill on November 16 by a vote of 40 to 35. In the House, it was referred to the Ways and Means Committee, and that committee heard only witnesses in support of the bill. On December 8, the committee, without a record vote, decided to table consideration of the measure. At the close of the session, the bill was left pending before the House Ways and Means Committee.

Investigating Committees. As in the case of the last session of the Seventy-seventh Congress, investigating committees were very active throughout the year, even during the summer vacation, investigating the activities of the Administration and of wartime industry. The House had twenty-one investigating committees, of which seven were continued from the last session;[39] the Senate had ten, of which nine were continued from prior sessions.[40] These investigating committees made many special reports, recommending the correction of malpractices or inefficiencies, and they took thousands of pages of testimony, in many instances turning the spotlight on bad practices or inefficiencies in defense industry; and administration later improved because of public reaction.

The Senate as a Council. Nominations received by the Senate during

[37] See Senate Report 502. [38] October 19–22.

[39] The subjects of investigation were: Civil Service Personnel (H.Res. 16), Small Business (H.Res. 18), Wild Life (H.Res. 20), Federal Communications Commission (H.Res. 21), Progress of War by Military Affairs and Naval Affairs Committees (H.Res. 30), Air Activities (H.Res. 33), Cost of Farm Products Process (H.Res. 38), Merchant Marine and Fisheries on National Defense (H.Res. 52), Petroleum by Interstate and Foreign Commerce (H.Res. 58), Un-American Activities (H.Res. 65), Budget Estimates and Administrative Expenditures (H.Res. 69), Grade Labelling (H.Res. 98), Jurisdiction of Government Agencies (H.Res. 102), Investigation of Government Personnel to Determine Fitness (H.Res. 105), Federal Security Administration (H.Res. 119), Defense Housing Program (H.Res. 121), Conditions in Puerto Rico (H.Res. 159), Roads (H.Res. 243), Public Lands (H.Res. 281), and Air Commerce (H.Res. 307).

[40] The subjects were: Conservation of Wild Animal Life (S.Res. 246 of 71st Congress), Silver Purchase Act of 1934 (S.Res. 187 of 74th Congress), Marketing of Wool (S.Res. 160 of 74th Congress), Administration of Civil Service Laws (S.Res. 198 of 75th Congress), Small Business (S.Res. 298 of 76th Congress), Truman Committee (S.Res. 71 of 77th Congress), Gasoline and Fuel Oil Shortage (S.Res. 156 of 77th Congress), Senatorial Campaign Expenditures (S.Res. 235 of 77th Congress), Use of Fuels West of the Mississippi River (S.Res. 319, 77th Congress), Post-War Economic Policy (S.Res. 102, 78th Congress).

the session totaled 11,656, of which 11,298 were confirmed, two rejected, thirteen withdrawn, and 343 left unconfirmed. This was the second highest number of nominations offered the Senate in any one session. Generally, the disposition of nominations was merely a routine matter—they were referred to the proper committees, studied briefly, reported to the Senate, and confirmed after little or no debate. One of the most debated nominations of the year was that of Admiral Land to the Maritime Commission, the proceedings of which involved some 48 pages of the *Record*.[41]

More debated than the nominations themselves was the McKellar Bill (S. 575) requiring submission to the Senate of all appointees "receiving compensation at a rate in excess of $4,500 a year." This measure was debated on four different days and finally passed by a vote of 42 to 9; but it never became law. Likewise, two abortive attempts were made to attach the intent of the McKellar Bill to appropriation bills.[42]

The time the Senate devoted to ratifying treaties during the session was insignificant.[43] The Senate, however, did expend much energy on the question of treaty-making. In pursuance of a resolution introduced by Senator Vandenberg on July 6 (S. Res. 170), a special subcommittee composed of members of the Foreign Relations Committee was appointed to conduct an investigation of the United Nations Relief and Rehabilitation Draft Agreement which the Executive and the State Department had announced would "be executed by executive agreement. It was to be done exclusively by the administrative arm of the Government, without reference to Congress." The committee found that the draft "did involve practically illimitable obligations on the United States almost in perpetuity, and that as drawn it was a treaty, or should have been. Certainly it was not an obligation such as could be concluded merely by Executive agreement."[44] In pursuance of this investigation, the special subcommittee and certain officials of the State Department rewrote the draft agreement, Senator Vandenberg said, so as "to eliminate from it those illimitable commitments which carried it into the realm of a treaty, and to bring it back into what we thought was the realm of an agreement. We succeeded in rewriting it to a point where it is now literally nothing more than the authorization of appropriation, and there is no commitment in the text to anything except the expenditure of such moneys as are specifically appropriated from time to time by Congress for this purpose."[45]

[41] *C.R.*, pp. 2755–2802.

[42] See H.R. 2968, War Agencies Appropriation Bill, and H.R. 2935, Labor Federal Security Appropriation Bill.

[43] Two treaties were acted upon during the session, both of which were ratified: a convention with Mexico on consular offices, and relinquishment of extraterritorial rights in China.

[44] See *C.R.*, p. 8903. This quotation was taken from remarks by Senator Vandenberg. [45] *C.R.*, pp. 8903–8904.

The longest-debated issue of the session was the Connally peace machinery resolution (S. Res. 192), occupying ten days. Much emphasis in that prolonged debate was placed on "by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." It was emphatically contended on the Senate floor by several Senators that the treaty-making power is divisible; "that there are two functions which the Senate performs. One function is to advise, the other is to consent." This definition was emphasized out of a common purpose among the Senators to discredit the opinion advanced by the solicitor of the State Department to the effect that a two-thirds vote on the Connally Resolution would not only be giving advice to the President as to a peace treaty following the war, but would be giving consent to any treaty made in pursuance of that resolution. Thus, the Senators handling the resolution insisted that regardless of the majority vote by which the resolution was passed, Senators could not destroy the powers which still rest in the Senate of the United States to modify a treaty sent to the body by the President. By and large, this was one of the most extensive discussions of the treaty-making power found in Senate debates at any time in recent years. The House, too, had much to say about treaties in connection with the Fulbright Resolution on peace machinery (H. Con. Res. 25).

The President's Relations with Congress. The relations between the President and Congress were much the same as in other recent years. While he did not have everything his way, the Chief Executive mapped out the legislative program which in the main was enacted.

In determining the President's influence over legislation, the difference between the President getting legislation which he proposes and blocking that which he opposes is significant. The President needs only a bare majority in both houses to get a desired bill enacted—something which President Roosevelt has been able to do on most occasions since 1933. But the mere fact that the President publicly proposes legislation does not necessarily mean that he will put forth any effort to get such legislation. When he recommends legislation, and works for it, he usually gets it; as a rule, the only time he fails to get legislation that he really works for is when fundamental sectional issues are raised which force a coalition of the Republicans and the Democrats representing the section of the country involved.

The power to block legislation is a different matter. Here the President needs only the support of one-third of the membership of either House. This was clearly brought out in the President's fight with Congress over subsidies and the increase in farm prices. His ability to block legislation to outlaw consumer subsidies is cited above. In the case of the so-called Bankhead Bill (S. 660) determining parity prices of agricultural com-

modities in an endeavor to raise the prices of farm products, Congress passed the bill by a large majority. The President vetoed it on April 2 and on April 8 sent a "sharply worded" statement warning Congress to hold the line against inflation. The Senate, of course, had already referred the veto message to the Agricultural Committee without taking a vote on it. In his April 8 message, the President stated: "I cannot wait to see whether the committee at some future date will again report the bill to the Senate."[46] He made this statement, fearing that the Senate would hold this lever over him by threatening to report the bill at some later date.[47]

The President took the position that Congress had taken advantage of him in the bill increasing the debt limit (H.R. 1780) by including a rider to repeal his executive order limiting salaries to $25,000 after tax deductions. The President never signed the bill nor did he veto it; he just let it become law without his signature.[48]

The President, on February 11, submitted budget estimates[49] to Congress requesting $100,000,000 for incentive payments to producers to encourage an increased acreage of Irish and sweet potatoes, beans, dried peas, soy beans, peanuts, grain sorghums, flax, and certain vegetables; and these were referred to the House Appropriations Committee. On February 15, an Appropriations subcommittee, by a vote of 6 to 1[50] flatly rejected the recommendations.

The President was not successful in his contests with Congress over

[46] See Senate Document 25. Senator Smith, chairman of the Senate Agriculture Committee, stated at the time of the conflict: "I intend to stick by my guns and vote to override the veto, but when the master cracks the whip, most of my colleagues seem to run for cover. The New Deal has messed up the whole farm situation, and I hope a tornado blows along in 1944 and sweeps every New Dealer from Washington." See Washington News Service ticker for Apr. 3, 1943.

[47] On November 1, the President submitted a 23-page message to Congress, "Outline of Food Program." See House Doc. 347.

[48] The President wrote Congressman Doughton a letter, dated February 17, in which he stated: "I told you that I hoped the Public Debt Bill could be passed without adding amendments not related to the subject, but that if the Committee thought otherwise, I would later write you my views. . . .

"When the act of October 2, 1942, was passed, it authorized me to adjust wages or salaries whenever I found it necessary 'to correct gross inequities and also aid in the effective prosecution of the war.' Pursuant to this authority, I issued an Executive Order in which, among other things, it was provided that in order to correct gross inequities and to provide for greater equality in contributing to the war effort, no salary should be authorized to the extent that it exceeds $25,000 net after the payment of taxes. Provision was made for certain allowances in order to prevent undue hardships.

"The legality of the Executive Order was attested by the Attorney General prior to its issuance. No Executive Order is issued without such approval."

[49] See House Doc. 101. [50] See *Wall Street Journal*, Feb. 16, 1943.

several matters important to him. Congress overrode his veto and enacted the Connally-Smith Anti-Strike Bill within less than two hours after the veto message reached Capitol Hill.[51] Congress liquidated the NYA by carrying a provision to that effect in the Labor-Federal Security Appropriation Bill[52] and the HOLC by carrying a provision to that effect in the Independent Offices Appropriation Bill.[53]

Both of these liquidations had been recommended by the Joint Committee on Reduction of Non-Essential Federal Expenditures, headed by Senator Byrd.[54] Likewise Congress, against the wishes of the President, appropriated only $50,000 for the liquidation of the NRPB, which was to be abolished effective on August 31, 1943; and the functions exercised by the Board were not to "be transferred to any other agency and shall not be performed after such date except hereinafter provided by law or as authorized in the ensuing proviso of this paragraph with respect to winding up the Board's affairs."[55]

Congress permitted the Bituminous Coal Act of 1937, another measure sponsored by the New Deal, to expire by refusing to enact a bill extending it; the Administration had requested its extension. During the session, two joint resolutions[56] extending the life of the Coal Act 30 days and 90 days respectively, were enacted; and another (H. J. Res. 145) was reported to the House, but the Rules Committee refused to grant a rule permitting it to be considered. A bill to continue the Coal Act for two additional years was never considered by the Ways and Means Committee, to which it was referred.

The reciprocity treaty program was continued for two additional years at the President's request, after much debate, and after warnings by Administration leaders in Congress to the effect that the President would veto the bill if it were "badly amended." Senator Gillette opposed the extension of such authority to the President, insisting that trade agreements be subject to Congressional review. Because of the fact that a communication from the President to the Vice President trying to influence the passage of the bill was read to the Senate, Gillette warned the

[51] It is reliably reported to the writer that the President sent the message to the Secretary of the Senate with the understanding that it be not taken to the Senate floor until late in the afternoon. Likewise it was a known fact that Senator Connally, author of the bill, was leaving Washington for Canada on a late afternoon train. Senator Lister Hill was acting as floor leader during Barkley's absence. It was reported to Hill that the veto message was in the Secretary of the Senate's office, but was not to be brought out until the later afternoon. Hill, a staunch supporter of the Connally Bill, defied the plan and immediately had the veto message taken in on the Senate floor and called up before Senator Connally left for Canada. Within less than half an hour, the Senate had overridden the veto. [52] H.R. 2935, P.L. 135.

[53] H.R. 1762, P.L. 90. [54] See Senate Docs. 48 and 54.

[55] See P.L. 90. [56] H. J. Res. 113, H. J. Res. 122.

Senate that if ever the President again attempted to lay before the Senate letters addressed to others than members and presented by others than Senators themselves, he would raise a point of order against such procedure. He protested any action by the President "to influence the course of pending legislation by unsought advice, threat of disapproval, or other type of pressure."[57]

Much ill-feeling between Congress and the Administration arose over the United Food Conference held at Hot Springs, Virginia. Congress criticized severely the action of the Administration in excluding the press from the Conference, and resolutions were introduced repudiating the ruling of the Administration relating to such closed conferences. No retaliatory action, however, was ever taken.[58]

During the year, there were conflicts within the Administration in which Congress participated. Representative Martin Dies took part in the removal of John Bovingdon from the OEW. Dies had accused Bovingdon of subversive activities, and had announced his intention to present an indictment against him. Before this was done, Leo Crowley removed him, and out of gratification over this action Dies stated: "I have been certain for a number of years that there is a clique in Washington who are determined to change this country to some form of dictatorship. The clique, pursuant to their plans, has attempted to pack Government services with people like Bovingdon."[59] On July 29, Representative Taber asked that Milo Perkins be ousted from the BEW; and after the dispute between Vice President Wallace and Secretary of Commerce Jones, when the BEW was changed to OEW, Perkins disappeared from the scene.[60]

On the other hand, it is evident that the Administration had some effect on the removal of Representative Cox from the chairmanship of the special House committee investigating the Federal Communications Commission. The committee attempted to make some investigations and to get the records of some administrative agencies, which it was denied. In its attempt to investigate Harold E. Smith, director of the budget, over certain records, Mr. Smith announced that he had "been directed by the President not to make the Bureau files available to the committee and not to testify if called as a witness."[61] Likewise, Chairman Fly of the FCC refused to testify. Finally, Representative Cox resigned because of Administrative pressure. Federal Communications Commissioner Durr wrote Speaker Rayburn a letter charging him with misuse of his ap-

[57] For remarks by Senator Gillette on this matter, see the *Record* for June 2, pp. 5274–5275.

[58] See the Washington City News Service (ticker) for Apr. 14, 1943.

[59] *Ibid.*, Aug. 12, 1943. [60] *Ibid.*, July 5, 1943.

[61] *Ibid.*, July 9, 1943.

pointive power in making Cox chairman of the committee, since the appointee had a personal interest in the matter.[62]

During the session, the President vetoed sixteen bills, with one veto overridden.[63] The House attempted, but failed, to override his veto (on June 2) on the discontinuance of the CCC and on outlawing subsidies.[64] Three of the vetoes were of the pocket variety.[65]

THE NEED FOR BETTER EXECUTIVE-LEGISLATIVE TEAMWORK IN THE NATIONAL GOVERNMENT

ESTES KEFAUVER

Member of Congress from Tennessee

The United States must assume leadership among the nations of the world if peace is to be maintained. If, after the present holocaust, we do not create a better world, in which justice and neighborliness shall supplant tyranny and war, the sacrifices being made by our fighting men will have been in vain.

Are we prepared to assume this necessary leadership? Can we chart the course for a better world when we do not agree on our own international postwar program? Congress and the Executive must work together in our international relations if we are to have a long-range foreign policy. Some method must be found to enable the Executive and Congress to have a better understanding of the facts and closer unity on international problems. Moreover, on the home front, there is a desperate need for more direct *liaison* and for a clearer understanding between the executive and legislative branches of our government.

These highly desired results can be accomplished. A good start can be made by a mere change in the rules of the House to permit cabinet members and heads of agencies to meet House members face to face and talk things over. This is the worthy purpose of House Resolution 327.

Present System Chaotic. The working of our form of government and our methods of administration and legislation are being challenged today by newspaper editors and columnists, by political scientists and public administrators, and by members of Congress. It is stated that our political machinery was devised for a simple agricultural society, but is no longer competent to resolve efficiently the issues imposed on government by the needs of a great industrial nation.

[62] See *C.R.*, p. 7987. [63] See S. 796. [64] H. R. 2869.

[65] A section of this article dealing with "Congressional reform" has been omitted for the reason that the subject is dealt with in the article that follows and will be considered further in an article to appear in the June issue. MAN. ED.

For example, the editors of *Time, Life,* and *Fortune,* in the November, 1943, number of *Fortune,* present a large-scale report on "Our Form of Government," in which they suggest various ways of achieving a more effective presidency and of "rehabilitating Congress." Charles A. Beard, distinguished historian, in his new book, *The Republic,* devotes a chapter to a "critique of the Federal system." Henry Hazlitt, one of the editors of the *New York Times,* in his recent book, *A New Constitution Now,* criticizes our system of checks and balances. Members of the Seventy-eighth Congress have introduced a score of proposals to modernize its machinery and facilitate the operations of the legislative branch. All of this discussion is evidence that something is wrong with our political machinery.

The need for closer collaboration between Congress and the Administration has frequently been felt and voiced in the course of our national history. So long as the United States was half empty, prosperous, and well protected by broad oceans, the old balance-of-power system was tolerable. But now that the nation is crowded, harassed by serious social and economic problems, and deeply involved in world affairs, better teamwork between the legislative and executive branches of our national government is essential to our welfare and security. No item on the present agenda of democracy has a higher priority than that of inducing closer, stronger, steadier coöperation between the President and the Congress in promoting the welfare of the people of the United States and the United Nations.

Effective coöperation between the two great political branches is indispensable for successful government, which is what we need in these crucial times: government equally effective for the waging of war and the organizing of peace.

Teamwork Anticipated by the Founding Fathers. Though the Constitution in some ways makes it easier for the executive and the legislative branches to cherish their formal separation than to coöperate in the discharge of their joint responsibilities, the Founding Fathers intended that the nation should never be without an effective government. They so arranged it that this need never happen.

A better ordering of Presidential-Congressional relationships requires no amendment of the Constitution. All that is necessary is a ready determination to use the freedom open to us in the Constitution to improve and strengthen the relations already linking Congress and the President. Ten years ago, President Roosevelt said to the Congress: "The letter of the Constitution wisely declared a separation, but the impulse of common purpose declares a union."

In recognition of this need for closer coöperation, a variety of proposals have recently been made by responsible citizens. In the field of foreign

policy, formation of a Foreign Relations Advisory Council, or of a joint Congressional-Presidential Committee on Foreign Policy, has been urged. *Fortune Magazine* advocates collaboration in fiscal management through a central fiscal bureau in the Treasury and a joint Congressional fiscal committee. The designation of Congressional advisers to major administrative agencies has been suggested. Roland Young, author of *This Is Congress*, proposes the formation of a legislative cabinet that would have a voice in the advisory councils of the Administration. Senator O'Mahoney favors the further use of mixed commissions like the TNEC, on which sat representatives both of Congress and of the Administration. Congressman Monroney is urging creation of a special committee to study methods of overhauling Congress. In these and other ways it is proposed to institutionalize the existing informal and extra-legal relations between the two branches.

As a first step in this desirable direction, I introduced a resolution (H.R. 327) in the House of Representatives on October 19. This resolution, which was sympathetically discussed in the House on November 12, proposes to amend the rules of the House to provide for a question period during which heads of executive departments and independent agencies would be requested, but not required, to appear, report, and answer questions.

Under this proposal, two hours would be set aside at least every two weeks, but not oftener than once a week, when members of the House could question administrative officials on the floor of Congress. Half of the time would be devoted to written questions that had previously been approved by the proper legislative committee, submitted to the official, and printed in the *Congressional Record*. The latter half of the question period would be reserved for oral questions by members of the House, control of this time being divided equally between the chairman and ranking minority members of the committee which issued the invitation and approved the written questions. The proceedings during the question period would be printed in the *Record* for all to read, unless in an executive session.

Purpose of House Resolution 327. The idea of this plan is to enable the members of the House to secure first-hand information directly from the administrators charged with the responsibility of operating their departments, and also to give the executives an opportunity to explain the functions of their departments, the manner in which they are doing their work, and the value of proposals which they may have made. The machinery for screening the questions propounded during the first part of the question period would give the administrators advance notice of the subject-matter in which the committee issuing the invitation and the members of the House were interested.

It is intended that questions asked from the floor during the latter half of the period shall be germane to the preceding discussion. The Speaker of the House and the chairman and ranking minority members of the committees can see to it that the questions are germane and that they are not asked for partisan or political purposes. The safeguards in the resolution are intended to make these sessions of genuine benefit to the legislators, the executives, and the public. They are not to be used for the purpose of heckling any administrator or for asking picayune questions.

The problem in working out a resolution to set up this useful system is to give as much leeway to the members of the House in their effort to secure information as possible and, at the same time, give ample protection to the executives from embarrassment and from being called upon to answer questions when the information, if given, would not be in the public interest. The protections of the resolution are intended to accomplish these desirable results and, at the same time, to eliminate the objections that have so often been made to similar proposals.

Historical Precedents Sustain the Plan. This is not a new idea, nor is it without ample precedent in our history. President Washington and various members of his cabinet appeared before the first two Congresses. This precedent was not followed thereafter, for temperamental reasons.

The first Congress, whose membership contained many members of the Constitutional Convention, gave definite sanction to the idea here put forth. Congress, in creating the office of Secretary of the Treasury, declared that "he shall make report and give information to either branch of the legislature either in person or in writing," as either house may require. That Hamilton, the first Secretary of the Treasury, was never asked to report in person was due in part to the opposition of the rising Jeffersonian party as voiced by Madison.

In 1864, a bill to permit the heads of the executive departments to occupy seats on the floor of the House was reported unanimously by a select committee headed by Mr. Pendleton of Ohio. The urgency of the Civil War rendered it difficult to secure attention to the subject, although the debate revealed strong support for the measure by many distinguished legislators such as James A. Garfield, afterwards elected President, and James G. Blaine, afterwards Speaker of the House. Later, during the 46th Congress, a resolution was introduced by Mr. Pendleton, then a Senator, to make it possible for heads of executive agencies to appear on the floor of the Senate. This resolution was referred to a select committee of seven, which unanimously reported it. The committee was composed of three Democrats and four Republicans, and its membership was made up of men whom it would be difficult to surpass for ability and statesmanship. The signers of the report were Senator Pendleton, at one time Democratic candidate for Vice-President; Senator James G. Blaine, who was

twice Secretary of State and later a Republican candidate for President; Senator W. B. Allison, who was for 35 years a member of the Senate; General M. C. Butler, a Confederate veteran and a Major General in the Spanish American War; Senator James T. Earley; Senator John G. Ingalls; and Senator Orville H. Platt.

Confederate Convention Recognized Value of Coöperation. It is significant that a provision in the constitution of the Confederacy gave the Confederate Congress the right to bring itself into close coöperative relations with the executive by granting seats, with the privilege of debate, to the heads of the departments. The capable men, many of whom had been members of Congress, who met to draft the constitution of the Confederate States wisely determined that in forming a new government no better instrument could be framed than that under which they had themselves experienced the advantages of representative government. They established the executive department and the legislative branch in precisely the same manner as under the Constitution. The innovation was undoubtedly considered an improvement based upon long experience of the disadvantages of a lack of sufficient coöperation and intercourse between these two branches of the government. The improved procedure had actually been practiced under the provisional Confederate Government of 1861, but after the formal constitution came into operation, conditions created by the War Between the States prevented carrying out the plan. "This wise and judicious provision," says the President of the Confederacy, "which would have tended to obviate much delay and misunderstanding, was never put into execution by the necessary legislation."

Presidents Taft, Wilson, and Hoover favored similar proposals; and on November 19, 1943, Secretary Hull made a personal report directly to Congress on the Moscow conference.

Need for the New System Imperative. My reasons for reviving the idea at this time are fairly obvious. I think its adoption would have a beneficial effect upon Congress, the Administration, the national government, and public opinion. From the viewpoint of Congress, it would enable us to become better informed concerning the operation of the executive branch and to exercise more effective oversight of the Administration than is permitted by the cumbersome and irksome method of special investigation. Spasmodic inquiries by select committees, as Woodrow Wilson once observed, do not afford Congress more than a glimpse of the inside of a small province of Federal administration. "Hostile or designing officials can always hold it at arm's length by dexterous evasions and concealments. It can violently disturb, but it cannot often fathom, the waters of the sea in which the bigger fish of the civil service swim and feed. Its dragnet stirs without cleansing the bottom. Unless it has at the head of the departments capable, fearless men, altogether in its confidence and

entirely in sympathy with its designs, it is clearly helpless to do more than affright those officials whose consciences are their accusers."

Committee hearings, moreover, are poorly attended, and members of Congress do not take part in them unless they are members of the committee holding the hearing. I also believe that my plan would reduce irresponsible criticism of administrative practices to which the American people have objected.

From the administrative viewpoint, the question period would provide officials with an opportunity to acquire a better understanding of the intent of Congress in passing a law, to explain the problems and difficulties that have arisen in its application, to answer charges made against them, and to justify their policies. A frank exchange of questions and answers would go a long way, I believe, toward clearing up the confusion and reduce the delays and bickerings that have lately characterized the so-called "Battle of Washington."

No Encroachment on Traditions. The plan here suggested involves no encroachments by the legislative branch upon the constitutional privileges of the President, or of his advisers; and, conversely, no invasion by the executive of the jurisdiction of the legislative branch is involved. The plan proposes no modification of the constitutional distribution and separation of the functions of the three departments of our government. It merely calls for the use of a technique which is available to us under the Constitution. It will put into operation a method of communication which the Founding Fathers left available to us, and which they anticipated we would use.

The plan does not upset the balance of power between the two branches; it violates no tradition, unless it be the almost traditional chaos of the House legislative process. It is not designed to make the cabinet a dictator to the House, as obtains in the House of Commons in Britain. In exchange for the right to call up the department heads and the chief administrators of the great new agencies like Social Security, Federal Works, and Housing—to mention no others— these executives can defend themselves on the floor, rather than be forced to take the roundabout method of the radio or the press. One of the great advantages would be that by this simple, workable device the common citizen would find it much easier to discover what is going on in Washington. The whole matter rests on the voluntary coöperation of all concerned. The House could not compel attendance of the executive chiefs for questioning. It would not need to do so. On the part of Congressmen, working through their established committees, the irrelevant and immaterial questions would clear through the appropriate committees as an essential safeguard for orderly procedure. The device would tend to cut down the amount of irresponsible criticism of administrators, now so prevalent. The cabinet

members' press conferences and the committee hearings go only part way in the direction of improved communications.

Contemporary Indorsements. The legislative experiences of former and present members of the House and Senate are of value in weighing the merits of this proposal. Mr. Charles E. Hughes, former Secretary of State and Chief Justice of the United States, has expressed himself in favor of the proposition. Former President and Chief Justice Taft made an important contribution to the suggestion when as President he transmitted a strong message to the Congress urging adoption of a similar proposal. Mr. Elihu Root, who was a member of the Senate, Secretary of War, and Secretary of State, had this to say on the subject: "I have long been of the opinion that it would improve the conduct both of the Legislative and Executive business of the Government to have the heads of the Executive Departments entitled to seats in the Houses of Congress, with the right to be heard and the duty to give information, under appropriate regulations. Mr. John W. Davis, formerly a member of the Judiciary Committee of the House, Solicitor General in the Wilson Administration, and Democratic candidate for President, also endorses the proposal in no uncertain terms.

Recommendations for the adoption of a similar plan have been made by hundreds of thoughtful statesmen, governmental administrators, and political scientists. There should remain little doubt as to the advantage of the system to the legislative and executive business of the government. Objection is made by some in the executive branch on the ground that the responsibility of cabinet members is primarily to the President and that their authority should not be divided. This aspect of the subject is well worth questioning. The Constitution declares that "the Executive power shall be vested in the President of the United States"; and for the purpose of aiding him in the discharge of that duty he may "require the opinion in writing of the principal officer in each of the Executive Departments upon any subject appertaining to the duties of their respective offices." Nothing can be taken from the constitutional power of the executive. The bringing into direct contact of the heads of the departments with the able men the country possesses in its national legislature will not, because it cannot, diminish the constitutional authority of the Chief Executive. It can only result in a better relation between the two branches; and a better understanding, throughout the country, of their relation would be established.

Modern Conditions Require New Methods. In a complex society such as we have today, it is necessary to concentrate great and far-reaching power in the executive. This condition will continue regardless of the administration in power. One of the great values of having cabinet members and administrative agents report in person to the members of the House is

that such appearances would necessitate clear definitions of policy on the part of the executive. Some cabinet members and heads of agencies do not know what the President's policy is on certain particular matters under their jurisdiction. This is no reflection on the present Administration, as the same condition has always existed. Before an administrator appeared at a question period, he would naturally call upon the Chief Executive to define clearly the policy of the Administration in regard to the matters about which he was going to be questioned. Also, many questions of policy which should be decided by the administrator himself remain undetermined. Faced with the invitation to make a personal report to Congress, the administrator would be running a great risk if he did not settle those undetermined matters of policy affecting his department before submitting himself to the House members for interrogation.

Congress has created many independent agencies and commissions. Primary responsibility for the success of the administration of these agencies rests upon the Congress, and not upon the President. This is not generally understood. When there is maladministration in such agencies, the Chief Executive, nevertheless, gets most of the blame. A report and question period would clearly define for the public the authority and the responsibility for the successful conduct of the work of these independent agencies.

From the viewpoint of the general public, adoption of my suggestion, which I submit for consideration in all humility, would have the advantage of enabling the ordinary citizen to find out what is going on in Washington. Today, the average man on the street often has only the foggiest ideas concerning the inner workings of the war machine, government plans for postwar demobilization, reconversion, employment, social security, lend-lease, and the like. As the editors of *Fortune* point out, "there seems no valid reason, now that the United States' fear of George III and his domination of Parliament has faded away, why the tradition that it motivated—against Cabinet participation in Congressional debate—should not be allowed to lapse. A monthly full-dress debate involving the Secretary of the Treasury, his under-secretaries, and the members of Congress should add greatly to mutual understanding, and to public understanding as well." What they say with special reference to fiscal policy applies with equal force to other public questions.

Plan Helpful to Federal Government as a Whole. From the standpoint of the federal government as a whole, I suggest that it would help bridge the chasm between the two branches and make for better teamwork at a crucial period in our national history if cabinet members and other important administrative officers were allowed on certain occasions to address the houses of Congress and to submit themselves to questioning. They do this now at committee hearings and at press conferences, but they

do not do it before the whole House. I believe that the question period would inform and reinvigorate both the legislative and administrative processes. It would quicken the pace of government without disturbing the balance between the two branches.

In short, my suggestion is one way of improving the channels of communication between Congress and the executive branch at a time when our salvation at home and abroad depends upon their ability to work together. And it requires no constitutional amendment, no new laws—simply an amendment of the rules of the House.

FEDERAL REVENUE LEGISLATION, 1943–1944

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The Revenue Act of 1943 will be remembered not only as the first one in history to be vetoed by the President, but also as the cause of an outburst in Congress against the executive capable of affecting the fortunes of the Democratic party in the 1944 elections. The significance of this last act in the drama (to date) may be clarified if we review the fiscal situation of the United States at the time, the Administration's tax proposals, and the revenue legislation actually resulting.

In January, 1943, the President's budget message estimated expenditures of $100 billion for the fiscal year ending June 30, 1944. Tax revenues for the same period were estimated at $35 billion. The President made three recommendations: (1) raise $16 billion in new tax revenue, or savings, or both, (2) simplify the income tax, and (3) put taxes on a pay-as-you-go basis. In the summer and fall of 1943, Congress enacted legislation to carry out certain parts of the last two proposals. Public discussion had forced on it some consideration of collecting taxes currently.

In October, 1943, Congress took the first step toward a general revenue bill by opening public hearings at which the Secretary of the Treasury presented his proposal for raising $10.5 billion in new taxes—not the $16 billion originally recommended by the President. The program met instant and vigorous protest. Chairman Doughton, of the Committee on Ways and Means, called it indefensible. The complete and hasty brushing aside of the Treasury proposal was, to a large extent, a repercussion of a growing rift between Congress and the President. It reflected also a different point of view concerning the economic situation. The President and the Secretary of the Treasury persistently emphasized the need for heavy taxes to prevent inflation, whereas the Committee on Ways and Means was "firmly convinced that the proper psychology (and freedom from fear of inflation) can be maintained only by strict economy in gov-

ernment expenditures, through effective price control, rationing, and wage control."

The House bill provided for new revenue of about $2.3 billion and the Senate Finance Committee bill provided for about the same. While the measure was under consideration in the Senate, the President presented his annual budget message (January, 1944), reiterating the Administration's request for $10.5 billion, although in an almost perfunctory manner.

The Senate passed an amended bill and both houses adopted the ensuing conference report and sent it to the President on February 10, with the assurance of party leaders that it was all that Congress would be willing to do in raising tax revenue during the current year. Because of criticisms by the President and other members of the Administration, many thought the Chief Executive would let the measure become law without his signature, as he had done under similar circumstances in 1938. On February 18, however, when vetoing the anti-subsidy bill (the bill to extend the life of the Commodity Credit Corporation), he indicated that he would return the tax bill to Congress not later than February 22, the last day he could hold it if it were not to become law; and this was generally interpreted to mean that he would take the unprecedented step of vetoing an important tax measure.

The veto message of February 22 was, therefore, not unexpected. It was not anticipated, however, that it would be couched in the bitter terms employed. Congress was condemned in stinging words, and, strangely and inconsistently, the President repudiated some of his own previous utterances and those of the Secretary of the Treasury. He objected to freezing Social Security taxes at the 1943 rate of one per cent and the consequent loss of $1.1 billion in collections. He objected also to the extension of depletion provisions relative to certain minerals, to the exemption of natural gas pipelines from the excess profits tax, to the revised method of taxing income of lumber companies, and to other less important features.

Placing on Congress the responsibility for the complexity and multiplicity of income tax forms, the President recommended that legislation for simplifying the tax be enacted as quickly as possible. He asked, too, for elimination of the Victory tax. Willingness to approve a simple joint resolution enacting the increased excises of the vetoed bill was expressed. But he would not sign the measure as passed by Congress: "It is not a tax bill but a tax relief bill providing relief not for the needy but for the greedy."

The President's clever but caustic phrases touched off a volcano of protest in Congress. In a most unusual attack, Senator Barkley, the trusted majority leader, turned on the President and assailed the message not only as misleading but as "a calculated and deliberate assault upon the legislative integrity of every member of the Congress of the United States."

Such aspersions he would not take "lying down"; and he served notice that he had called a Democratic caucus for the next day at which he would submit his resignation as majority leader.

The President was out of the capital for a rest, and must have been surprised by the turn of events. To Barkley he sent a soft-worded message of reconciliation, expressing his appreciation of all that the Senator had done and requesting him not to resign. The threat, however, was duly carried out—after which the vindicated leader was unanimously reëlected by his party colleagues. On February 24, the House voted to override the veto (299–95); the Senate vote on February 25 was equally decisive (72–14).

Following are brief analyses of the three tax measures referred to above: (1) the Current Tax Payment Act, (2) the Victory tax adjustment, and (3) the Revenue Act of 1943:

Current Tax Payment Act. For many years, personal exemptions were so high that they relieved most families in the United States from payment of the federal income tax. The personal exemptions in the law of 1913 were $3,000 for a single person and $4,000 for a married person or a head of a family. These exemptions have been lowered in the course of the years, but even as recently as 1941, only about 17 million persons made returns. War revenue needs led to decisive reductions in personal exemptions,[1] and war industry produces more income; so that in 1944 the Treasury expects about 50 million returns.

Numerous reasons were presented to Congress for making tax payments current, i.e., as income is earned rather than a year later. Foremost was the fact that if the tax is not paid as income is received, the Treasury stands a chance of losing much revenue, especially from small and new income taxpayers. It was hoped, too, that by withholding the tax at the source, taxpayers would be relieved from making out so many complicated forms. Unfortunately, however, this has not been the result. A third consideration was that current payment would be an important factor in lessening unnecessary spending and, therefore, in curbing inflation, inasmuch as the taxpayer cannot spend money he does not receive or which he pays in taxes to the government as soon as he gets it. Such a proposal was not, indeed, radical, because employers and employees have paid withholding taxes on payrolls since the Social Security Act became effective in 1936.

There was much popular discussion in favor of the pay-as-you-go proposal. The big problem in inaugurating a system of paying income taxes a year earlier was what to do the first year for taxpayers who had two years'

[1] To $500 for a single person, $1,200 for the head of a family, and $350 for each dependent (in 1943).

taxes to pay in one year. This difficulty of "getting over the hump" delayed the measure. The Administration was reluctant to lose revenue by forgiving 1942 taxes. The large tax payments were serious for both the Treasury and the taxpayer, particularly in a year when the war needs and tax rates were heavier than for any previous year. Great pressure was put on Congress to cancel the tax due in 1943 on 1942 income; but this proposal was rejected by the Treasury and the President, who pointed out that it was important to tap all sources to secure adequate revenue as well as to curb inflation. After much controversy, a compromise was reached, it being agreed that taxpayers should pay in full either their 1942 or their 1943 tax, whichever was larger, plus one-fourth of the tax for the other year.

The Current Tax Payment Act, signed June 9, 1943,[2] provided for withholding at the source 20 per cent of income after allowing exemptions of $1,248 for a family and $624 for a single person. Effective July 1, 1943, this withholding applied to all income with the following exceptions: income paid to members of the armed forces; income paid for agricultural, casual, or domestic service, and for services performed by a minister of the gospel, by a non-resident alien, or by United States citizens outside of the United States.

Victory Tax Revision. Another problem raised by the effort to secure current tax payment was connected with the credit allowed for the Victory tax. This tax, first effective January 1, 1943, provided for withholding 5 per cent of income (after exemptions of $624 for a single person and $1,248 for a married couple) without the customary deductions. Part of this was in the nature of a credit or forced loan, and was to be returned to the taxpayer either currently or after the war. The law was not specific as to when or how this credit or refund would be made. On October 28, 1943, the President signed a measure[3] allowing a single person to have a credit each taxable year of 25 per cent of the Victory tax, or $500, whichever was less. A married person or a head of a family could have a credit of 40 per cent of the Victory tax or $1,000, whichever was less, plus 2 per cent for each dependent.

Revenue Act of 1943. As indicated above, the Revenue Act of 1943 was finally passed over the President's veto by the House of Representatives, February 24, and by the Senate, February 25, 1944. The income taxes apply to incomes received after December 31, 1943; the new postal rates are effective thirty days after the passage of the Act (March 26); and the increased excises begin April 1, 1944. It is estimated that the measure will yield slightly over $2.3 billion new revenue in a full year of operation. Something over one-fourth of this amount will result from lessening de-

[2] Public Law 68—78th Congress. [3] Public Law 178—78th Congress.

ductions from individual incomes (rather than from increased rates). In creased corporation taxes are expected to yield $502 million; the balance ($1.051 billion) is expected to come from higher excises on commodities and services.

The normal and surtax rates of the 1942 law were not changed. The Victory tax rate was reduced from 5 per cent to 3 per cent and the refund provisions of the previous laws were eliminated. The maximum amount of normal tax, surtax, and Victory tax combined is limited to 90 per cent of an individual's net income. One important change is the elimination of the earned income credit; another is that federal excise taxes are not deductible for income tax purposes, except in cases where they are business expenses.[4]

At least three important changes were made in the corporation tax sections: the excess profits tax rate was raised from 90 per cent to 95 per cent and the specific exemption from $5,000 to $10,000; the credit for invested capital was reduced; and certain corporations, such as labor unions and farm coöperatives—even though tax-exempt—will hereafter be required to file income returns.

Several revisions were made in the estate and gift tax provisions, but rates were not changed. Social security rates were frozen at 1 per cent. Almost all the federal excises on liquors, admissions, dues, transportation, communication, cosmetics, and certain luxury goods were increased. Local first-class mail, airmail, and registry, money order, and parcel post rates were increased.

When the President submitted his 1945 budget message (January, 1944) he explained that government expenditures for the preceding fiscal year (1943) were about $80 billion. Of this amount, almost $77 billion went for war activities and interest on the public debt. Tax revenues in the same period reached about $22 billion. For the current fiscal year (1944) he expected revenues to exceed $40 billion and expenditures to exceed $99 billion. Of the latter, $94 billion will be war costs. This great increase—$18 billion of revenue in the current fiscal year (1944)—over the preceding year reflects current payment of 1943 taxes as well as the record high level of income. Tax revenues of over $42 billion are expected from the Revenue Act of 1943. Estimates for the succeeding fiscal year (1945) point to expenditures of almost $100 billion ($93 billion for war purposes) and tax revenues of over $41 billion.

[4] It is estimated that the tax of a married person with two dependents and having an income of $2,500, will be $19.60 greater in 1944 than in 1943, and the tax of a single person without dependents and earning $2,500 will be about $1.16 less. A married person earning $10,000 will pay about $80.87 more next year, and a single person with that income will pay about $18.65 less. The maximum increase of tax for any individual will be $84.00. (*New York Times*, Feb. 1, 1944.)

A survey of recent budgets shows that expenditures for 1943 were not quite as high as expected. Possibly less than the estimated amount will be spent for the current fiscal year also; but even if $95 billion is spent, taxes will probably be more than two-fifths as much, a better proportion than was achieved in World War I, although national finances would be in better shape if we paid even a larger proportion of war costs as we go.

The Committee on Ways and Means and the Treasury experts are at work on a new bill to simplify the income tax law. The press reports that they expect (1) to merge the Victory tax, normal taxes, and surtaxes, so that the task of making out returns would be greatly simplified, and (2) to reduce the number of persons required to make returns from 50 million to 20 million by withholding currently the entire amount of tax due from 30 million persons—and to make these simplifications without changing substantially the amounts to be required from taxpayers. Chairman Doughton reports that his committee hopes to have a bill ready within a few weeks—even before this note is published—but not in time for returns and payments applicable to 1943 income.

WARTIME ACTIVITIES OF SPECIAL INTEREST TO POLITICAL SCIENTISTS

THE RECORDING OF WORLD WAR II

* * *[1]

The nation at war, in mobilizing its total resources, has called increasingly upon political scientists to contribute their efforts in the public service. In most instances, the political scientist serving the federal government has not come in directly under the banner of his own profession, even though his training may be highly pertinent to his immediate responsibilities. Those who are associated with the historical records program, however, have been especially able to relate their previous preparation to their present work in the federal agencies.

This expanding program reflects the growing appreciation of the need for a full understanding of the way in which the war is being conducted by both military and civilian agencies. Not only is there a widespread desire for more adequate records than we possess of previous wars, but there is also the conviction on the part of many officials that the immediate funding of our administrative experience is essential to successful formulation and execution of policy. While adequate records as an indispensable tool of good management serve current utility, at the same time they contribute to the longer-run task of creating a full and objective account of American participation in World War II. From the standpoint of future study of government and public administration, the work on war records which has been initiated in the federal government shows distinct promise. Here the basic data of political science are being collected, preserved, and analyzed. Cognizant of the situation, the American Political Science Association, at its last annual meeting, on January 20, 1944, adopted the following resolution:

"Resolved that the American Political Science Association urges the importance of the analysis and recording of the experience of the Federal Government in discharging its responsibilities during the present war, and commends the efforts currently made by the Bureau of the Budget and the war agencies to develop such accounts and related documents, to the end that in future national emergencies the United States may build upon the lessons currently being learned; and that copies of this resolution be transmitted to the President and heads of war agencies."

[1] This REVIEW has never before published a major contribution anonymously, and would not choose to do so now. During the war period, however, policies adopted in government circles in Washington will make it necessary to depart from established practice in a few instances. The present article comes first-hand from competent official authorities.—MAN. ED.

The interest of political scientists and public administrators in recording and utilizing our wartime experience has been long-standing. On May 31, 1940, the Bureau of the Budget initiated a project to secure information on the experiences of the nation in World War I, 1917–18. Harold Smith, director of the Bureau of the Budget, had found the records of World War I in an unsatisfactory condition as far as the needs of the Bureau were concerned. On August 4, 1941, Donald Stone, head of the Division of Administrative Management of the Bureau, wrote to Kenneth Colegrove and others, asking them to suggest the name of some one who might "do a capture and record job on defense organization." Subsequently, arrangements were made with Pendleton Herring, secretary of the Graduate School of Public Administration at Harvard University, to serve as a consultant to the Bureau of the Budget on a records project; and plans were approved for establishing a small staff unit to pull together and analyze source material within the Bureau and in various federal agencies on the administrative history of the country's emergency defense program. Among the matters to be studied were "negotiations leading up to the framing of executive orders, the organizing and staffing of agencies after their authorization, and subsequent problems of administration and coördination of programs, gearing the work of new war agencies into the war work of regular established agencies."

After the attack on Pearl Harbor, the undertaking in the Bureau of the Budget was expanded to cover war organization. Interest in both public and private quarters broadened and quickened. On March 4, 1942, the President wrote to the director of the Bureau of the Budget as follows:

"I am very much interested in the steps that you have been taking to keep a current record of war administration. I suggest that you carry this program further by covering the field more intensively, drawing on whatever scholarly talent may be necessary.

"I wonder if it wouldn't be desirable to appoint a committee on records of war administration, to be composed of representatives of appropriate learned societies and perhaps two or three agencies of the Government which might be interested in such a program.

"The present program strengthened in this manner might be helpful to the work of the Bureau of the Budget in planning current improvements in administration in addition to its main objective of preserving for those who come after us an accurate and objective account of our present experience. I hope that officials in war agencies will bear in mind the importance of systematic records, and to the extent commensurate with their heavy duties, coöperate in this undertaking."

The appointment of the Advisory Committee on the Records of War Administration was announced by Director Smith on March 22, 1942. The committee members are: Waldo G. Leland (American Council of Learned Societies), chairman; Pendleton Herring (Harvard University),

executive secretary; William Anderson (American Political Science Association); Louis Brownlow (American Society for Public Administration); Donald Young (Social Science Research Council); Solon J. Buck (National Archives); Archibald MacLeish (Library of Congress); Arthur Schlesinger and Guy Stanton Ford (American Historical Association). In his statement outlining the organization, Director Smith stated:

"On many occasions we have regretted the inadequacy of the data available concerning administration in World War I. As one consequence, the recollections of some of the chief figures twenty-five years after the event have been a conspicuous source of information. The extent to which the war records are being currently consulted amply demonstrates the pertinence of factual data of the last war for administrative problems today. National Archives has urged that more attention be given to our present records to avoid the document losses of World War I."

The Committee has two primary functions: (1) to stimulate the major war agencies to set up historical units so as to develop and preserve full and accurate records of their wartime experience; and (2) to advise the special research staff within the Bureau of the Budget on current analyses of administrative problems in major policy fields of the war effort. This small staff, which has assumed the main task of carrying out the Committee's objectives, is known as the Committee on War Records Section, and is attached to the Bureau's Division of Administrative Management.

Since its inception, a number of political scientists, among others, have served at one time or another on the staff of the Committee: Kenneth Hechler, Harold Gosnell, V. O. Key, Earl Latham, Avery Leiserson, Donald Morrison, S. McKee Rosen, and Paul Zeis. These men have worked closely with other members of the Bureau of the Budget. They have had full access to all Bureau records and have established contacts with officials of operating agencies. They have directed their attention to particular policy areas, such as industrial mobilization, foreign economic operations, information, civilian defense and welfare, labor and manpower, price control and stabilization, finance and taxation, shipping and transportation. In 1942, the most pressing task was to gather records and to establish direct contacts with officials in the operating agencies—a task which required full-time effort. While this records work is, of course, continuous, the members of the staff have recently been able to devote more time to writing. The documents available are especially useful for administrative studies; staff members have prepared particular studies of the framing and interpretation of executive orders, the relationship between research and operations, inter-agency relations, and federal-field integration. Of late, increasing emphasis has been placed on the preparation of "pulling together" topics such as the above.

This work, while distinct from the operating duties of the Division of

Administrative Management, is a phase of the Division's general concern with improvement of government management. The day-to-day memoranda prepared by Division officials represent in the aggregate a rich accumulation of administrative studies.

Mr. Fred W. Shipman, director of the Franklin D. Roosevelt Library at Hyde Park, New York, has worked closely with the Committee, devoting much of his time to analyzing administrative procedures of the White House in addition to his responsibility for White House files.

As secretary of the Committee, Mr. Herring, together with the staff, has devoted much time to aiding various war agencies in establishing historical units. Some twenty-one war agencies[2] and ten older agencies[3] have now created such units. Emphasis has been placed upon having the emergency agencies set up records units, since there is great danger that when the war is over their records will not be sufficiently well organized or in usable form.

No uniform practice has been followed in the location of the historical unit within an agency. The historical unit has been located close to the top policy-makers in the Navy, Petroleum Administration for War, Post Office, Office of Price Administration, Office of Strategic Services, War Department, and War Production Board. In the case of the Department of Agriculture and the State Department, the unit has been placed in the regular research units of the respective departments. In the Veterans Administration, the historical and records work has been put under the officer in charge of administrative management. In the Tennessee Valley Authority, the budget officer has taken charge of the function. A fifth type of set-up is found in the Office of the Coördinator of Inter-American Affairs, the National Housing Agency, and the Smaller War Plants Corporation, where the historical unit has been made part of the information office.

A number of political scientists have accepted appointments in the historical units located in Washington. Among them are Gladys Baker

[2] Alien Property Custodian; Office of Censorship; Office of Civilian Defense; Committee on Congested Production Areas; Office of Foreign Economic Administration; Coördinator of Inter-American Affairs, Joint Chiefs of Staff; National Housing Agency; National Research Council; Petroleum Administration for War; Office of Price Administration; Office of Scientific Research and Development; Smaller War Plants Corporation; Office of Strategic Services; Offices of War Information; War Labor Board; War Manpower Commission; Office of War Mobilization; War Production Board; War Relocation Authority; United Nations Relief and Rehabilitation Administration.

[3] Civil Aëronautics Administration; Department of Agriculture; Labor Department; Navy Department; Post Office Department; State Department; War Department; Tennessee Valley Authority; Veterans Administration; Federal Works Agency.

of the Department of Agriculture, Elwyn A. Mauck of the Office of Civilian Defense, William L. Tayler of the Office of Foreign Economic Administration, Lt. Bernard Brodie of the Navy Department, Graham H. Stuart of the State Department, Lt. Col. John D. Millett of the War Department, and James W. Fesler of the War Production Board. Among others who have acted in an advisory capacity may be mentioned John M. Gaus, for the Department of Agriculture, William E. Mosher, for the Foreign Economic Administration, and Arthur W. Macmahon, for the Department of State.

It is evident that the basic materials for any adequate study of war administrative history must come from the various government agencies themselves. Each agency has its peculiar characteristics, which rise out of its mandate and the personalities charged with carrying out that mandate. It is not to be expected that the agency histories will follow any set pattern. However, the staff of the Committee on Records of War Administration has been endeavoring to have the agencies cover certain essential administrative considerations. It is hoped that the following topics will be treated: over-all objectives, integration of functions, the framing of the basic mandate (executive order), such staff functions as budget, personnel, planning, and coördination, field organization within the United States and abroad, principal procedural problems, external relations involving other administrative agencies, the President, Congress, the American public, foreign countries, and other problems of administration which may be peculiar to the agency.

A brief consideration of the historical and records work in a few selected agencies—the Army Service Forces, the Department of Agriculture, and the War Production Board—will illustrate the methods followed and their relevance to political science.

In the Army Service Forces of the War Department, the objective of the so-called historical activity is to develop a full and complete report of the work of the agency during the war. Among the functions related to political science are purchasing procedures, administrative relationships with such other war agencies as the War Production Board, the Office of Scientific Research and Development, the War Manpower Commission, the Office of Price Administration, the Petroleum Administration for War, and the War Food Administration, the management of ground force posts and stations, the management of War Department finances, the provision of morale services, and various training programs. The necessary scope of Army Service Forces reporting raises its own peculiar problems. The administrative organization of the agency introduces further complications. In general, the practice has been followed of encouraging major operating units, such as the Ordnance Department, the Quartermaster Corps, the Medical Department, the Signal Corps,

the Corps of Engineers, the Chemical Warfare Service, and the Transportation Corps, to develop their own historical staffs. Over all this activity is a small staff directing the effort as a whole. A full report of the work of the Army Service Forces available soon after the war, according to the chief historical officer, Lt. Col. John D. Millett, should provide another reason for reëxamination of the contents of both political science and public administration. In his opinion, a major question which cannot long be evaded is how far political scientists should try to go in generalizing about administrative techniques and practices outside the substantive field in which they are actually used.

The war records project of the Department of Agriculture is organized under the leadership of O. C. Stine, head of the Division of Statistical and Historical Research of the Bureau of Agricultural Economics. The staff of the History Section has been expanded to include personnel with primary training in public administration.

To serve as a guide for the selection of policy documents, as well as a basis for their organization in a form which will make them readily available for narrative and analytical reports, a comprehensive outline reflecting changes in the Department's functions and structure was prepared. The outline serves as a basis for the organization of the central historical file and for narrative accounts which describe and evaluate administrative problems and developments within the Department in its adjustment to the war crises. These accounts are organized both by bureau developments within the Department and by subject-matter cutting across bureau and departmental lines. A current account and analysis of factors relevant to the Department's numerous reorganizations to keep pace with its greatly enlarged responsibilities is a continuous project.

The Agricultural Adjustment Administration, the Farm Security Administration, and the Consumers' Counsel have been selected for special reports because they seemed symbolic of the Department's changing experience during the war period. The problems of setting and achieving production goals, of achieving adequate nutrition, of securing farm labor, of securing sufficient wartime fiber, of the Department of Agriculture's relation to rubber production, and its rôle in inter-American relations have been subjects for other special reports. Studies of other major phases of the Department's work in the field of distribution as well as production, and of the development and effectiveness of public relations of the Department during the war period, will be made to form a background for the Department's war history. These will eventually be interwoven into a first narrative account of the Department's adjustment to the impact of war.

It is hoped that the careful selection and organization of policy docu-

ments, supplemented by interviews with key officials both within and outside the Department who can help interpret the influences bearing on the Department's wartime rôle as a part of the national executive as well as the narrative reports, will provide the basis for more comprehensive studies of the Department's significant administrative experience. Political scientists will find of interest the administrative problems encountered in adjusting a large and old-line agency to the demands of total war.

The historical program of the War Production Board has particular significance for political scientists interested in the relations between government and industry; civilian control and the military; representation of management, labor, and consumers; inter-agency coördination; administrative organization and management; and the relation of United States agencies to international boards and committees. Responsibility for this records program has been vested in the Policy Analysis and Records Branch of the Office of the Executive Secretary, a neutral location free from the special viewpoints of individual functional units of the Board.

The guideposts for this historical work can be identified quickly: (1) histories prepared by the Branch embrace not only the War Production Board, but its predecessor agencies as well—the War Resources Board, the Advisory Commission to the Council of National Defense, the Office of Production Management, and the Supply Priorities and Allocations Board; (2) although the Branch plans to cover all major topics essential to a history of the Board, it gives priority to preparation of histories that will provide necessary background to top WPB officials currently faced with the necessity of making major decisions; (3) the Branch assumes that social, economic, and administrative problems are intermixed, and, more particularly, that generalizations about important administrative issues must be preceded by detailed case studies of commodity, industry, and other policy areas; (4) the Branch takes advantage of the fact that officials responsible for important decisions and policy determinations are still in Washington, and obtains their coöperation and critical comments in connection with the historical research.

The work of the Branch's Historical Records Section has two phases of possible interest to political scientists. First, the Section has physical custody of the official minutes and documents of the major boards and committees, and of all "inactive records" of the War Production Board and its predecessor agencies. As a result, the WPB historical program is largely free from the problem of access to records which so plagues the historical group in the National Recovery Administration.[4] Second, the

[4] Leon C. Marshall, "The Location and Utilization of Authority in a Regulatory Agency," at pp. 236 ff. of George A. Graham and Henry Reining, Jr. (eds.), *Regulatory Administration* (1943).

Section has established a consolidated subject-matter file that includes all records of policy significance—a step that should vastly facilitate the work of political scientists using War Production Board records after the war. Scholars will generally not have to wade through thousands of individual record collections, each containing a large amount of material of practically no historical significance and each arranged according to the inspiration of the particular official's file clerk.[5]

Certain conclusions from the experience of those participating in the historical program of the War Production Board, according to James W. Fesler, who is in charge of the work, have significance for research of political scientists in the field of war records generally. In the first place, social scientists might well direct their own efforts and those of their graduate students increasingly to the historical case-study type of research based upon official records of governmental agencies. The precedents set by Macmahon, Gaus, Dimock, Millett, Connery, Pritchett, Bard, and others could be followed by a larger number of their colleagues. Such studies are necessary preliminaries to scientific synthesis and generalization. In the second place, a scholarly study of a great federal agency, such as the War Production Board, needs to be soundly bottomed on detailed analyses of all, or at least sample, areas of the agency's activities. For instance, a history of the War Production Board that rested only on minutes of the Board meetings and the chairman's correspondence would be less reliable than a history that, while covering top-side developments, was written with an awareness of the evolution of the cattle-hides problem, the production of stoves, the activities of the steel division, and other developments at secondary and tertiary levels of the hierarchy. Third, the study of government agencies concerned with the industrial economy reëmphasizes the need for integration of the social sciences. The scholar seeking to present more than a single-dimensional picture of such agencies should be simultaneously a political scientist, an economist, and a psychologist. Fourth, since many political science studies will rely upon government files for their data, vigorous efforts by the National Archives, Bureau of the Budget, and other central agencies are required to assure that these files are arranged and indexed in a way that, consistently with other uses of government records, will facilitate scholarly research. Fifth, arrangements are necessary to assure that historical studies of the experience of individual government agencies and programs are made available to social scientists—by subsidized publication, or by distribution of a few copies in mimeographed, multilithed, or microfilmed form to libraries of educational and research institutions.

[5] Records not of prime significance for tracing of policies are preserved, of course, unless Congress or the Archivist of the United States authorized their destruction on the grounds that they have no historical or legal value.

The preceding cases are illustrative of the work going on and its potentiality for the future. The Committee on Records of War Administration and the staff endeavor to keep in close touch with the progress of the historical work being done in all the various agencies and departments. The Committee meets every three months, or more frequently when special questions of policy arise. While the members of the Committee are occupied with many other matters, they have devoted much time and thought to the important policy problems. Their Memorandum of August, 1943, entitled "Objectives for Planning the History of World War II" calls attention to the broader aspects of the problem, only part of which comes within the Committee's purview. A summary of the suggested principles is as follows:

1. All of the major federal agencies should gather data relating to their development and their most significant activities during this war period in order to create a central historical file. Upon the basis of this file, the historical officer should prepare a first narrative comprising the life story of the agency. . . .
2. There should be several non-official and popular accounts of World War II written from different standpoints, showing the military operation of the war, the civilian administration of the war, and the diplomatic phases of the war.
3. There should be a series of scholarly monographs analyzing the effect of the war on important phases of our social and economic life.
4. Studies should be made on a selected list of topics that are the concern of no one government or private organization.
5. State historical groups should prepare accounts of state activities in World War II.
6. Leading American industrial firms should have histories written recounting their war work.

In September, 1943, the Social Science Research Council took an important step toward implementing these objectives by appointing a Committee on War Studies which is now composed of Roy F. Nichols and Donald Young (University of Pennsylvania); John A. Krout (Columbia University); Pendleton Herring (Harvard University); Paul Homan (Cornell University); and James Phinney Baxter, III (Williams College). The Council appointed Shepard B. Clough, of Columbia University, to its staff as a full-time member with the mandate to plan a research program in the field of wartime experience. He is endeavoring to stimulate historical activities in the states, in the universities, and in private organizations.

The Committee on War Studies has undertaken as its initial task the preparation of topical surveys of the impact of World War II upon the

following areas: (1) economic, (2) social, (3) political, (4) administrative, (5) foreign relations, (6) military, (7) naval, (8) intellectual, and (9) scientific and technological. The purpose of these outlines is in part to provoke discussion which will lead to an adequate coverage of the problems involved. These initial drafts are, in general, of a descriptive character because of a belief that they should provide a wide view of the field. They will be supplemented in the course of time by attempts to indicate major wartime problems and the lines along which these problems may be critically analyzed. The present documents are regarded as entirely flexible, and suggestions for their revision are not only welcomed but encouraged.

A second purpose of the topical surveys is the guidance of scholars. It is hoped that they will aid investigators in formulating their research plans, and that these plans will take the form both of monographic studies of various segments of an area and of more general treatments of larger fields. It is believed that the phenomenon of war provides an excellent opportunity not only for studies by each branch of the social sciences, but also for investigations involving the combined efforts of many disciplines. For example, inflation could profitably be treated from the point of view of its fiscal and financial aspects, of price-fixing and rationing, of its political implications, and of its social effects. Community studies would involve all of the social sciences, and could well be undertaken by the social science staffs of colleges or universities, while a subject like labor migration would bring into play psychological problems as well as economic, social, and political factors. Consequently, some overlapping is bound to appear in the outlines, although in practice it may be avoided by employing a cross-referencing technique and by consultation among scholars working on war subjects. In any case, it seems clear that war makes of society a laboratory in which a great number of related experiments are going on simultaneously. Social scientists are the technicians to evaluate the process and the results.

The Committee on War Studies, through Mr. Clough's activities, is concerned primarily with research plans outside the government by private individuals, whereas the Committee on Records of War Administration has been concentrating upon historical efforts within the government itself. In charge of the staff of the latter is S. McKee Rosen, Acting Chief, Committee on War Records Section, Bureau of the Budget.

Further recent developments auger well for work in the war records field. In response to a report on progress being made in the federal agencies, the President, on January 25, 1944, wrote to the director of the Bureau of the Budget as follows:

"I'm glad to have your memorandum telling of the progress being made in recording the administrative story of this war. We need both for

current use and for future reference a full and objective account of the way the Federal Government is carrying out its wartime duties. The Committee on Records of War Administration is doing a useful job and I am much pleased to know that thirty of our Federal agencies are actively coöperating in their program.

"I am personally very much interested in this study of administration and I hope that each department and agency head will see to it that the story of his agency in wartime is systematically developed. The best way to advance our knowledge of administration is through the study of actual experience. Those agencies which have not yet established units to deal with the recording of their administrative experience should do so.

"It is a well established practice for officials to make a public accounting of their stewardship. Soon after the war each agency should have ready a good final report that will sum up both what was accomplished and how the job was done. If organizational changes make this impossible, the Bureau of the Budget should see that the report is completed. We should also remember that full records must be preserved for deposit with the National Archives.

"There is much to be gained from our wartime experience for improving administration in the future. I feel sure that a careful recording of this experience not only will help to win the war but also will serve the needs of the postwar era."

The latest phase of emerging development dates from October 28, 1943. At that time, the Committee on Records of War Administration and the Committee on War Studies agreed to form an Advisory Council on War History, which would provide over-all guidance and facilitate the bringing together of governmental and private scholars working on wartime records. While each of the component committees retains its original autonomy and continues its original assignment, the Advisory Council provides a vehicle for the consideration of questions of mutual interest and for the formulation of general policies.

The newly constituted Advisory Council on War History held its first meeting on November 18, with Guy Stanton Ford as chairman. A committee was appointed to make known to the President the formation and purpose of the Advisory Council and to seek his support in its behalf. On February 17, 1944, the Chief Executive wrote to Dr. Ford stating:

"I have learned with much interest of the organization of the Advisory Council on War History, which represents an effective association of the government's Committee on Records of War Administration, set up in the Bureau of the Budget at my request, and the non-governmental Committee on War Studies of the Social Science Research Council.

"I believe that this coöperation of governmental and private agencies offers great promise for the writing of interpretive histories of the national war effort, in all its many aspects. Histories so produced will be authoritative, because they will be based on governmental records, and they will, at the same time, be independently critical and objective. Certainly it is of great importance that the American people of the war generations should have intelligible, reliable, and comprehensive ac-

counts of their experience without the long delays and incompleteness that have been characteristic of historical writings with respect to earlier wars.

"I shall be glad to further the undertaking of the Advisory Council on War History. Accordingly, I have directed the Committee on Records of War Administration to see to it that the various agencies of the Federal Government coöperate, as fully as may be compatible with security, with the historians and social scientists sponsored by the Advisory Council."

Thus work on the task of achieving a full and adequate account of the participation of the United States in World War II has begun both within and without the government. The progress which has been made to date shows distinct promise for the future. But the scope of the undertaking is vast and its complexities numerous. In many respects, and on the non-governmental side especially, only a pre-planning stage has been reached. Much effort will be required before programs can be arranged, integrated, and brought to fruition. The present opportunity constitutes a challenge whose importance is difficult to overestimate. Challenge, however, is not fulfillment.

THE ARMY'S CIVIL AFFAIRS TRAINING PROGRAM

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A wartime training program of interest to political scientists and of possible significance for postwar educational policy is the Army's Civil Affairs Training Program. This training program prepares officers for military government service in occupied territory, and is an extension of the training instituted at Charlottesville, Virginia, in the spring of 1942. The School of Military Government is an Army post located on the campus of the University of Virginia. It was originally expected to train a limited number of officers for positions in civil affairs headquarters staff, but the capacity of the School was later expanded and its graduates actually serve in either staff or field positions.

It soon became apparent that the demand for officers trained for civil affairs work would run far beyond the capacity of the School of Military Government. As a consequence, it was decided to utilize a number of universities in the training, and the Civil Affairs Training Program (CATP) was established. Like the School of Military Government, already in existence, this program was placed under the control of the Provost Marshal General.

The objectives of the CATP were: (a) to provide instruction in military government policies and practice; (b) to provide instruction in certain foreign languages; (c) to supply useful knowledge and points of view about

certain foreign peoples and the characteristics of and conditions prevailing in certain foreign countries; and (d) to relate the officer's technical or professional knowledge and experience to the situations he might expect to encounter in military government operations in certain foreign countries. It was decided, at the earliest stages of planning the Program, that the first of these objectives should be accomplished at the Provost Marshal General's School at Fort Custer, Michigan, and that the other three objectives should be accomplished in civilian universities.

The length of the training period was first fixed as four weeks at Fort Custer and twelve weeks at the university, regardless of the area in which the officer was expected to serve. Later, the period of study at the university was changed—substantially increased in the case of training for the Far East, reduced to two months in the case of training for Europe. Officers entered training at Fort Custer in June, 1943, went from there to two universities in July, and by November ten universities were in operation. They were: Boston University, Harvard University, Northwestern University, Stanford University, University of Chicago, University of Michigan, University of Pittsburgh, University of Wisconsin, Western Reserve University, and Yale University.

Training for the Far East developed into a pattern very different from that for officers expected to be sent to Europe. From this point on, this discussion deals exclusively with the training of officers for Europe.

The training objectives of the CATP differed from those of the School of Military Government in the following particulars: (a) it was assumed that the officers trained in the CATP would function in field operations, usually unassisted by other officers, whereas it was assumed that officers trained in the School of Military Government would function primarily in staff relationships; (b) language instruction was to be a most important feature of instruction in the CATP, whereas no language instruction was provided in the first classes at the School of Military Government, and when established in later classes, was allotted very little time; and (c) study of foreign peoples and foreign areas was to be a most important feature of instruction in the CATP, whereas it had been definitely subordinated to other instruction at the School of Military Government.

Training in the universities differed from that in the School of Military Government because of these differences in objective, and also because the instruction in military government policies and practices (so important a part of the course at Charlottesville) was to be supplied at Fort Custer. Nevertheless, training at the universities borrowed heavily from experience at Charlottesville, particularly in two respects: (a) in fixing the objectives and content of area lectures; and (b) in the organization of civil affairs teams and the use of military government problems as a teaching device.

At the outset, the universities were given very wide discretion in fixing the method and content of instruction. After the first classes had been completed, the War Department arrived at a clearer definition of the instruction it wished the officers to get, and experience pointed to certain experiments as more successful than others. Consequently, a standard curriculum was established and training of officers to be assigned to Europe henceforth adhered to the following pattern:

a. Language instruction—120 to 136 contact hours during the two months, at least 80 hours to be in conversational drill sessions with not more than 8 officers present.

b. Area lectures (i.e., lectures on designated foreign countries, peoples, and institutions)—48 to 62 contact hours, at least 36 to be devoted to Germany (including Austria) and distributed as follows: at least 6 hours on political attitudes and political system; at least 10 on government, with major emphasis on local government organization and services; at least 4 on law, law enforcement, and the judicial system; at least 10 on the economic system, including industrial, financial, and commercial organization; at least 3 on public health and welfare; and at least 3 on education, propaganda, press, and radio.

c. Area conferences—32 to 48 contact hours.

d. European backgrounds of military government—not more than 10 contact hours.

e. Military government—4 to 12 contact hours in review of principles and 8 to 16 contact hours in solution of military government problems.

This was the novel course of instruction which a number of American universities were called upon to give to an unusual body of students. The composition of the classes assigned for training varied widely; there was no typical class. Numbers varied, ranging roughly from 55 to 95. Usually every grade from Second Lieutenant to Lieutenant Colonel was represented. Ages ranged roughly from twenty-five to fifty-five, with a preponderant proportion between thirty-five and fifty. Except for the younger officers who had not had opportunity to do so, virtually all officers had achieved substantial success in some professional, executive, or administrative career. Probably eighty per cent had attended college or professional school; probably seventy per cent had some sort of college or professional school degree.

It is obvious that an educational undertaking such as the one just described calls for substantial departures from the customary teaching habits of a university. Such value as this experience may have for the normal educational program of the college or university probably lies in the following aspects or features of the CATP.

1. *Integration of Instruction.* From the beginning, the War Department insisted that instruction in the CATP should be under the control of a

Director, who would undertake to correlate all parts of the instruction and to shape the area instruction into a single integrated course. A Civil Affairs Training School (CATS) was accordingly established in each participating university and a Director designated by the university authorities.

The several Directors enjoyed different degrees of success in their efforts to knit the instruction into a compact course of study. At some of the CATS, the Director was able to set a group of faculty to planning instruction and developing materials for a period of several weeks prior to the arrival of officers for training. Where this was done, desired emphases could be attained, there was little overlapping of lectures, and omissions due to oversight were avoided. In every CATS, faculty members were assigned lectures which they might not voluntarily have delivered, and proposed lectures were revised at the insistence of the Director or a committee. There is every reason to believe that these deviations from customary academic freedom were justified in a two-months training program designed to fulfill Army needs; it is possible that some phases of the regular educational program will profit from similar discipline of the faculty.

2. *Language Instruction.* The objective in language instruction was to provide maximum proficiency in speaking and understanding the spoken colloquial language. The degree of proficiency which the officers were able to acquire in nearly every CATS was a revelation to everyone associated in the training. Language instruction excited highest praise from the officers in those universities that adhered most closely to instructional methods sponsored by the Intensive Language Program of the American Council of Learned Societies. A good many of the language instructors in the CATS are of the opinion that methods used in teaching the spoken language are of equal or near-equal value for teaching the written language, and that the experience in the CATS (and the Army Specialized Training Program as well) will have an important effect on language teaching in future undergraduate education.

3. *Organization of Knowledge on Basis of an Area.* The prime objective of CATP was to prepare officers to function in a designated foreign area, and this required that the officers be informed widely and accurately about the area—the terrain, the physical resources, the temperament and traits of the people, institutions and ways of doing things, and everything else (subject to limitations fixed by time) which a civil affairs officer might want to know. A substantial number of faculty members were thus afforded opportunity to take stock of the things important to a nation and national living. It was an especially good opportunity because the students were critical, opinionated, and, while generally provincial, were widely experienced in the life of their own area. Undoubtedly, this task

of instruction forced many faculty members to reconsider what it is important for people to know. It may affect their teaching when they revert to instruction organized about the customary disciplines—economics, government, sociology; it is certainly good preparatory experience for those individuals who continue, as some will, to teach area courses.

4. *Methods of Conveying Knowledge.* It was demonstrated in at least one university, possibly in two, that the officers will tolerate a program made up almost exclusively of lectures if, uniformly, they deal with important material and are effectively presented. Most of the universities did not risk the boredom and unrest which they feared would result from a full schedule of lectures. A number of interesting innovations were tried, the following perhaps being the most instructive for future educational policy:

a. *Use of Military Government Problems.* This teaching device is discussed below.

b. *Panel Discussions.* At least half of the CATS scheduled an occasional panel discussion at which three to a half-dozen persons with knowledge or notions about the subject discussed some aspect or feature of the area. Usually the student-officers were onlookers; in some instances, selected officers participated in the discussion as members of the panel.

c. *Area Conferences.* The War Department insisted that the officers be given authentic knowledge about the foreign area. Few native American faculty members could supply such knowledge. Recent arrivals from Europe proved unsatisfactory as lecturers; the officers rebelled against inadequate vocabulary and indistinct enunciation and complained about the "ponderous circumlocutions" of European scholarship. Most CATS found a satisfactory solution in assignment of lectures to native Americans or Europeans with extended residence in the United States, and arrangement of conferences with the foreigner having extended and recent area experience. Just as lecturers differed in effectiveness on the platform, so "consultants" differed in effectiveness in the conference room. Where the Director had opportunity to make a selective choice and found time to coach the consultants which he used, the conferences proved generally to be most important, and the War Department eventually made them a requirement of the curriculum.

d. *Use of Informants.* In few, if any, universities could the resident faculty, even if supported by two or three full-time "consultants" brought in for the program, supply the entire body of knowledge about a foreign area which is called for in the CATP. All CATS were located in or near to metropolitan centers on the theory that many individuals having special experience in the foreign area would have to be called in to supply particular bodies of information. In some instances, these individuals could organize and deliver a satisfactory lecture; in several in-

stances, they could take effective lead of a conference group; in at least a few cases, due to language handicap and inexperience in extended oral presentation, the individual with important knowledge could neither deliver a satisfactory lecture nor effectively direct discussion. In order to pump knowledge from a man of the latter type, some universities put him on the witness stand and a member of the faculty proceeded to negotiate the transfer of his knowledge to the student-officers. Pressure of time and inadequacy of staff kept most of the CATS from attempting this procedure at all, and limited the remainder to infrequent efforts.

e. *Nationality Contacts.* Several of the CATS arranged for student-officers to have contacts with representatives of the nationalities which they would later encounter in the foreign area. In most cases, these amounted to little more than a visit to an Italian restaurant or an evening in the home of a German family. One CATS attempted a much more ambitious program of nationality contacts, but the shift of its program to a different area cut these activities short. Generally, it may be said that the heavy duties of the faculty, pressure for the time of the officers, and the failure of the officers to warm up to nationality contacts kept this part of the program from getting a fair trial.

f. *Utilization of the Students' Knowledge.* Perhaps the most disappointing feature of the CATP, as an experiment in education, was the failure of the Director and faculty to utilize the knowledge and experience of the officers in training. Once in a while an officer, particularly if he had been a college professor, was called upon to deliver a lecture. But every class contained some individuals who had enjoyed extensive experience in the foreign area. Frequently, one or more of the officers had better knowledge than any person on the faculty of a subject of importance to the civil affairs officer. Pressure of duties and lack of experience in that kind of instruction kept the Director and faculty from organizing conference procedures by which the officers themselves could supply a part of the instruction.

If these experiments in teaching methods have any significance for peace-time education, it is doubtless in pointing the way to substitutes for the printed page as sources of information. Undergraduate and graduate education in the social sciences has been dominated by the supposition that knowledge is best passed on through print. The principal task assigned to the student is that of reading, not those of observing or participating in the social process. If he listens to a lecture, it is likely to be delivered by a man who got most of his knowledge through reading rather than through intimate personal associations.

University teachers in the CATP found that the printed sources (the current mimeographed sources as well) were inadequate to supply the information which the officers required. The faculty turned, therefore, to

the experienced individual who, without pretense of scholarship or skill as a teacher, could tell what he knew.

An insecure and worried public, eager for the information which will help it to solve its problems in the postwar years, may again force the college teacher to run ahead of his scholarship. If so, the experience in the CATP may prove most useful, affording the political scientist, for instance, guidance in selecting and coaching the particular politicians or other wielders of power who can best pass on to the students information which the faculty man himself does not have.

5. *Exchange of Faculty and Sharing of Materials.* Discussions during the organization period assumed that institutions participating in the CATP would freely loan faculty members to one another. Actually, there was considerably less of this than was anticipated. The reduction of the training period at the university from twelve weeks to two months so shortened the time when one institution could spare a man and another could use him that it was most difficult to schedule exchanges. Employment of a few individuals to ride circuit among all institutions was considered, but the pressure of duties on the Directors of the CATS kept them from cooperating in any such arrangement. In spite of these difficulties, a number of faculty loans were effected and the instruction at a number of the CATS was enriched considerably beyond what it would have been if only the local faculty had been available.

Library resources of the participating universities were greatly augmented by materials supplied by the War Department. Of particular value were the maps supplied by the Army Map Service and the Office of Strategic Services, current reports and memoranda of various federal departments and agencies which were obtained for the CATS by the Office of the Provost Marshal General, and the Civil Affairs Handbooks prepared under the direction of the Provost Marshal General. The latter were of special value, since their sole purpose was to give the military officer the knowledge about a foreign country which he needs for civil affairs work in that country.

The universities also produced and made available to one another a great deal of mimeographed material. Several maintained a full-time research assistant, usually a native of the foreign country, who dug out and organized needed information. Nearly all CATS sooner or later adopted a practice of mimeographing digests of most of the lectures which were delivered. These digests not only saved the student officers from the shortcomings of their desultory and inadequate note-taking; they were distributed to the other CATS and in many cases proved to be valuable instructional materials in a number of institutions.

Ordinarily each college and university relies altogether on its own faculty to supply its instruction. Individuals may be brought in occa-

sionally from other institutions to lecture to all or a part of the student body, or may be imported full or part time to give one or more courses. It is unusual, however, for a college or university, as a matter of policy, to rely on neighboring institutions to supply important parts of its instruction. Conceivably something might be gained by more frequent resort to this practice. Certainly few, if any, institutions can treat all subjects in the curriculum with authority; American scholarship is not that rich. The experience in the CATP at least demonstrates the feasibility of active coöperation among institutions, both in loaning men and exchanging materials.

6. *Organization of Civil Affairs Teams and Assignment of Military Government Problems.* The War Department originally planned that all military government instruction in the CATP should be supplied at Fort Custer, and that the CATS would confine themselves strictly to language and area instruction. Experience in the first classes revealed that a great many of the officers were unable to see the relevance of area instruction to their future civil affairs work. They praised the Fort Custer instruction as obviously relevant to the military government job, but characterized area instruction (no matter how interesting) as unworthy of an officer's time during a war. In order to demonstrate the relevance of the area instruction, it was found necessary to organize officers into civil affairs teams for the solution of assigned military government problems.

This feature of the instruction was borrowed from experience in the School of Military Government. Civil affairs teams consisted ordinarily of from ten to fifteen officers representing different grades and different backgrounds of training and experience. The military government problem described a situation which the officers might expect to encounter in the field and required for its solution preparation of a plan of action, organization, and procedures which the team would recommend for adoption.

In order to make sure that military relationships would be appreciated in the solution of problems, the War Department made available for each CATS an officer trained at the School of Military Government, either a member of the faculty who was commissioned and trained for that purpose or an officer who was already in the service.

The military government problem was even more successful than expected. It not only convinced the officers that instruction in the CATS was useful; it was a helpful guide to the faculty in providing area instruction. The most persistent complaints against area instruction were that many of the lectures were too historical, academic, or irrelevant, and that the recent arrival from Europe, when utilized for lectures or conferences, was inclined to preach about solutions for the political problems of his country instead of supplying the kind of information which the officers

needed. A military government problem which could be properly solved only if the officers acquired a substantial knowledge of the area gave the faculty a clear indication of the kind of information which the officers needed, and gave the officers a starting point for pumping the faculty of information. In order to make sure that the military government problem would serve these purposes, the War Department made the following suggestion:

"A good military government problem will have three prime characteristics: (a) it will simulate a situation which is likely to occur in the field; (b) it will require for solution a substantial knowledge of the nature of military government operations; and (c) it will require for solution a thorough understanding of conditions which will be encountered in the occupied area. . . .

"If the faculty is properly coördinated, the instruction will give the officer the knowledge he needs for solution of the problem. If the problem is properly made, it will call for the kind of knowledge which the officers will later need in the field. A problem which will serve as the nuclear element in a comprehensive training program cannot be made by one man; it must be the product of a group who combine knowledge of military government with knowledge of the area. It is a job for a committee which includes the Military Government Instructor and representatives of the faculty who have knowledge of conditions prevailing in the area.

"This coöperative arrangement must not terminate when the problem has been formulated. The civilian faculty can make available the necessary knowledge of the area only if they understand what situations are encountered in the field and how the Civil Affairs Officer deals with them. The Military Government Instructor must continuously educate the civilian faculty on these points. And he in turn can successfully supervise the work of Civil Affairs teams only if he continuously learns from the civilian faculty about the nature of the country for which the officers are being prepared."

Where military government instructor and area faculty undertook serious and resourceful coöperation, the military government problem gave purpose, point, and vitality to the entire program and the attitude of the officers toward the training (even those officers most skeptical about anything "academic") was one of unanimous enthusiasm.

The officers in training had a common operating problem ahead of them. It was thus easy to design a problem which would command the interest of all of them. It may not be possible to design practical problems which will have equal attraction for undergraduate, graduate, or professional students. If this experience with the military government problem has no further value for future college and university teaching, it will at least have given us some most useful pointers about successful short-course instruction for adults.

7. *General vs. Special Knowledge.* Like undergraduates, civil affairs officers are of different mind as to what it is good to know. The lecture on

the unification of Germany which delighted a number of officers was scorned by others as irrelevant and unimportant; a lecture on German forests and forest products was meat to one officer but poison to another, who considered it too technical and too narrow in its significance.

The compromise between the general and the special or technical differed, of course, according to the teaching personnel available in the different CATS. A brilliant lecturer could maintain the officers' interest in discussion of a subject which had to be cut out of the lecture schedule at another CATS. A man who had intimate knowledge of a particular German institution or problem and could tell what he knew made that subject popular in one CATS, whereas other CATS dismissed it as too technical or special to interest the group. Speaking generally, experience proved that subjects which were general in character were best handled by lectures, and subjects of more narrow concern were best handled in conferences.

The organization of conference groups also presented a number of problems. The civil affairs team was the ideal group for presentation of particular information required for the solution of assigned military government problems. The specialty group, consisting of officers of common technical or professional training and experience, was ideal for the discussion of certain technical questions. The testimony of officers in training makes it clear that a combination of these two types of conference groups proved most satisfactory.

Most of the officers had little inclination to search books or documents for information; an informed person sitting with the civil affairs team enabled the officers to get, or find out how to get, the closest approximation of the exact information they wanted for the planning of action. It is the way they will get most of their information in the field; it is desirable that they go through the process in the training period.

But the specialty group had its peculiar value too. The shortest route to the officer's attention and interest in training, at least in most cases, is by way of the things which dominate his attention and interest in his customary pursuits. The police chief in training for civil affairs work is not inclined to read very much about Nazi ideology, or even the national government of Germany. But if he is initiated in conferences with a person who knows German police organization and methods thoroughly and is nursed along with some reading on German law enforcement, he may develop sufficient interest to read about German local government generally, and he might even be led to tackle a book about the German people and their institutions which he would have scorned at the start of his training.

This, at least, was the theory back of the requirement of specialty groups; the shortness of the training period prevented conclusive evidence

as to whether the theory was sound. In any event, where the military government problem called for extensive knowledge about the foreign area, and where the consultant had accurate knowledge which he could effectively present to a specialty group, the student-officers were virtually unanimous in testimony that important knowledge was made available to the officers who could best relate it to American backgrounds for understanding, and that these officers subsequently passed on their understanding to others as the civil affairs team worked out a solution to the military government problem.

The objectives of training in the CATP differ greatly from those in ordinary college and university education. It may be that this experience in reconciling general and special instruction in a single teaching program has little to offer peace-time education. On the other hand, it may teach us much about the shortest route to a student's interest and the surest way of connecting with his existing knowledge.

Time will reveal whether these aspects of the Civil Affairs Training Program are the aspects of greatest significance for future educational policies; only time can reveal whether they will have any effect on future educational practice. The possibility that they will have influence beyond their wartime purpose suggests the wisdom of studying other Army and Navy training programs for experience pointing the way to more effective peace-time education.

* * *

The program described above has made extensive use of present and former teachers of political science, both for active civil affairs work in the field and in training of officers for future civil affairs duty. Active in the training of officers for military government in one or another of the training programs have been:

At the School of Military Government, Charlottesville, Virginia: Colonel Joseph P. Harris (California) was for a time in charge of instruction in public administration, a post now held by Major Charles M. Kneier (Illinois). Arnold Wolfers (Yale) is lecturer on Germany and the German people, and Arnold Zurcher (New York University) was formerly lecturer on Italy and the Italian people.

At the Provost Marshal General's School, Fort Custer, Michigan: Major Arthur W. Bromage (Michigan) served as instructor in public administration.

In the Office of the Provost Marshal General, Washington, D. C.: Charles S. Hyneman (Louisiana State) is Chief of the Training Branch, Military Government Division. Also in the Training Branch is Major R. W. Van Wagenen (Yale) and, as consultant, Harold W. Stoke (Wisconsin).

At Boston University: Major Rodney L. Mott (Colgate) served as the Provost Marshal General's military government instructor.

At Harvard University: Carl J. Friedrich served as Director of the CATS; Captain (inactive) Merle Fainsod served as Assistant Director and military government instructor.

At Northwestern University: Rollin B. Posey served as Director of the CATS.

At Stanford University: John Brown Mason (on leave from Fresno State College) was one of the principal instructors concerned with the government and political institutions of Germany.

At the University of Chicago: Lt. (j.g.) John T. Caldwell (Vanderbilt) is military government instructor on assignment by the Navy, and Leonard D. White and Henry Bloch are active in instruction. Dr. Bloch is author of a recent publication entitled "Economics of Military Occupation" (Foundation Press); he also has lectured in several of the other CATS and at the School of Military Government.

At the University of Michigan: James K. Pollock and Wolfgang Kraus served as principal instructors in the government and political institutions of Germany.

At the University of Pittsburgh: Elmer D. Graper delivered a number of the lectures on German government, and Hans Weigert has been added to the faculty to direct area studies.

At the University of Wisconsin: Harold W. Stoke served as Director of the CATS and William Ebenstein served as the principal instructor in the government and political institutions of Germany.

At Western Reserve University: Wilbur White served as Director of the CATS.

At Yale University: A. Whitney Griswold served as Director of the CATS, and Arnold Wolfers was the principal instructor in the government and political institutions of Germany.

In addition to the foregoing, the following political scientists are active in military government service in one capacity or another: Lt. Colonel T. V. Smith (Chicago); Lt. Colonel O. W. Wilson (California); Captain Erwin W. Bard (Brooklyn); Captain Emmet L. Bennett (Cincinnati); Captain James Q. Dealy (Hamilton); Captain Walden Moore (Rochester); and Captain Harold Zink (DePauw).

INTERNATIONAL AFFAIRS

THE INTERNATIONAL LAW OF THE FUTURE

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I

On February 28, 1942, a conference at Atlantic City was arranged by the Carnegie Endowment for International Peace to inaugurate discussions on the international law of the future. Since that time, a series of group conferences and smaller meetings have been held in various centers of the United States and Canada, at which nearly 200 men, chiefly Americans and Canadians, participated—judges, lawyers, professors, governmental officers, and men of special international experience. To assure continuity, a few persons—outstanding among them Judge Manley O. Hudson of the Harvard Law School and Professor P. E. Corbett of McGill University—were present at all the meetings, and a small committee prepared the different drafts.

The aim of these informal conferences, held over a period of nearly two years, was to arrive at a community of views; and this was achieved when a Statement, growing out of successive drafts, was subscribed to by some 150 of the persons who had participated in the discussions. This document,[1] hitherto strictly confidential, has now been released for publication. Its contents are not to be taken, either in whole or in part, to represent the individual views of any particular person who participated in the discussions.

The Statement consists of six Postulates, ten Principles, and twenty-three Proposals, each explained by comment in the light of the history of international law over a period of a hundred years. The Postulates set forth the essential premises, the basic conceptions, of an effective international legal order. The Principles—so to speak, the heart of the Statement—are offered as a draft of a declaration which might be officially promulgated by the statesmen who will build the future peace. The Proposals are indications, suggestions for implementing the Principles, but are not presented as draft provisions for inclusion in an international instrument.

It is the object of the present article to summarize and comment upon the Statement's principal features.

II

Although for centuries great wars have produced a longing for "eternal peace" and have seen proposals for international organization with a view

[1] *The International Law of the Future; Postulates, Principles, and Proposals*, published in the April, 1944, issues of the *American Journal of International Law* and *International Conciliation*.

to eliminating war,[2] it was only after the First World War that such proposals were translated into positive law. The creation of the League of Nations, no doubt, constitutes the greatest experiment mankind has, up to now, undertaken for the maintenance of peace through international organization.

During the present war, the cry for "winning the peace" is stronger than ever. But this phrase can have two meanings: making permanent for the victors the fruits of victory; or inaugurating a new era of more peaceful international relations for all nations of the earth on the basis of law and justice.

Endeavors to "win the peace" in the first sense are as old as history. The method has been for the victors to impose a peace treaty, termed "eternal," upon the vanquished, and to try to continue the victorious coalition after the war as an alliance of the victors, for the guarantee of the peace treaty and supervision of the defeated enemy and for preventing him from "ever rising again." History shows the failure of these attempts, embodied, e.g., in the peace treaties of 1648, 1814–15, and 1920. Even many of the utopian proposals for "eternal peace" made since 1300 are thinly veiled projects for hegemony in Europe of the author's own state.

The present enormous literature[3] is not wanting in books inspired by a desire to "win the peace" in the first meaning of this phrase. To this group belong all the books which advocate "winning the peace" through "American empire," through a system of power politics, geopolitics, and the balance of power, through Anglo-American alliance or a federation of the English-speaking peoples, through world domination by the "Big Three," or through a "Permanent United Nations." True to the official pronouncements from the Atlantic Charter to the Moscow Declaration, the Statement, however, stands for "winning the peace" in the second meaning of this phrase.

III

Charging that studies and peace treaties of the First World War overemphasized the legal and neglected the economic aspect of the problem of peace, and trying to learn from the mistakes then made, many have asked the question whether the legal or the economic aspect has a priority.

[2] Cf. Chr. L. Lange, *Histoire de l'internationalisme* (1919); J. Ter Meulen, *Der Gedanke der internationalen Organisation in seiner Entwicklung, 1300–1889* (3 vols., The Hague, 1917, 1929, 1941); S. J. Hemsleben, *Plans for World Peace Through Six Centuries* (Chicago, 1942).

[3] For a bibliography, cf. H. Aufricht, Bulletin of the Commission to Study the Organization of Peace, Vol. II, Nos. 5 and 6 (28 pp.). For a survey of the different proposals, see A. C. Millspaugh, *Peace Plans and American Choice; The Pros and Cons of World Order* (Washington, 1942), and the excellent book by P. E. Corbett, *Post-War Worlds* (New York, 1942).

The question is, of course, of great importance to international lawyers, who want to ascertain what their contribution can be.

But it seems to this writer that both the legal and the economic aspects are under the primacy of the political. First, the great political decisions must be made; and this is the task of neither the economist nor the lawyer as such, but of the statesmen, diplomatists, parliaments, and the peoples themselves. And these decisions will depend on political and psychological conditions: on the willingness of nations to give up certain prerogatives of sovereignty, on their readiness to obey the norms of international law and to see to it that they are respected, on the presence or absence of a spirit of vengeance.

The very pre-conditions of even a chance of success for a new international organization are peace settlements which, by their very nature, will make a durable peace possible. "It would be folly," former Ambassador Grew warned in a recent speech, "to try to make Japan a permanent outcast in the family of nations." "The defeated nations," says Justice Wiley B. Rutledge,[4] of the Supreme Court of the United States, "cannot be kept in perpetual subjection. Germany and Japan are peopled with virile races. In time, as before, their strength will recuperate. When that happens, they too must be received into whatever union may be formed, and eventually accorded full and equal participation." And he continues:[5] "Whatever peace treaty may be made must not be cast in the terms or spirit of revenge. For that only generates the spirit of rebellion which breaks loose when strength has been gathered again to resist. This is the first hard task—beyond the hatreds created by war, to draw from the deeper springs of justice and generosity, that new hatreds be not created and thus the vicious circle rounded again."

The Statement does not attempt to approach the political problems. Nor does it deal with international measures which the "transitional period" will make necessary.[6] The Statement is formulated to aid "in revitalizing and strengthening international law" and "in laying the basis of a just and enduring world peace securing order and law to all nations." And this is the task of international lawyers. For when the political decisions are made, then, undoubtedly, the legal aspect has a priority over the economic aspect: international economic relations presuppose an effective international legal order.

IV

The Statement resists the temptation to give a blue print, complete in every detail. The Proposals are only suggestions as to possible and desir-

[4] "Some Premises of Peace," *American Bar Association Journal* (Nov., 1943), pp. 623–628, at p. 625.

[5] *Ibid.*, at p. 626.

[6] On these problems, see Commission to Study the Organization of Peace, Second Report, "The Transitional Period" (New York, Feb., 1942, pp. 23).

able approaches toward the solution of legal problems, connected with the maintenance of a permanent world order. They do not purport to be definitive; they leave many questions open. The Statement is not merely a restatement of the present-day international law; it is in very important parts a statement *de lege ferenda*. But it is based, first, on the history of the past, on numerous precedents, always so important to the lawyer. Second, the Statement takes into consideration what is actually politically possible at this juncture of history. Third, it is based on a correct theoretical insight into the nature and development of law in general and of international law in particular. It is the theoretical and historical basis, together with the limitation to actual political possibilities, which, it is hoped, has made it possible to avoid both the Scylla of pessimistic despair and the Charybdis of utopia.

While fully recognizing the great progress that international law has made in the last hundred years, the Statement is correctly based on the insight that even the present-day international law is essentially a primitive legal order. It certainly is law; to deny its legal character would mean to make the mistake of identifying law with advanced law, as Austin did. But it would be equally untenable to deny the primitiveness[7] of the present international law.

It is a highly decentralized legal order; there are no special organs for creating general international law, for applying the general norms to concrete cases; there are neither legislative organs nor compulsory courts in general international law. It is decentralized as to execution; the method of self-help (war, reprisals) dominates as in all primitive municipal legal orders (blood-feud, vendetta). The division of competences between states and the international community is heavily in favor of the states. General international law is, as all primitive laws, based on collective, not on individual, responsibility, on responsibility for the result, not on liability for culpability; it knows no differentiation of the sanction into punishment and civil execution. Treaties imposed by force are valid; the *exceptio quod metus* is unknown, as in all primitive laws.

The task, therefore, is to transform general international law from a primitive into an advanced legal order. The elimination of war means the replacement of a primitive method of self-help through the creation of special organs, which, by authority and in the name of the international community, impartially apply the general abstract rules to concrete cases and execute the decisions. The history of the development of municipal law from a primitive to an advanced stage can serve as a guide. Such history teaches that it is in vain to "outlaw" blood-feud without first creating compulsory courts and sheriffs, that even in municipal law

[7] Cf. on this point Hans Kelsen, *Law and Peace in International Relations* (Cambridge, Mass., 1942), pp. 48–55, 82–122.

the advance is slow (*jus non facit saltus*), that the very possibility of advance is conditioned by political and psychological factors, that this advance constitutes a move from decentralization toward greater and greater centralization, toward the establishment of the monopoly of the use of force for the state.

On the other hand, it is obvious that the political conditions for such far-reaching centralization are entirely lacking in the international sphere, that there is not the slightest chance of successfully transforming the loose international community of today into a world-state, or a world federal state, and that all proposals on these lines[8] are entirely Utopian. The transformation of general international law from a primitive to a more advanced legal order is at this time possible only within the framework of a confederation of sovereign states.

V

It is in conformity with these ideas that the Statement assumes the continued existence of sovereign states in the future, and that it is primarily concerned with interstate relations. It takes no stand *vis-à-vis* the problem of the individual as a subject in international law. It refrains from a crusade for world-wide democracy. It does not deal, speaking generally, with the relations between a sovereign state and its subjects. It does not propose, as is often done now, an "International Declaration of the Rights of Man," for the alleged violations of which an appeal to an international court would lie. It takes no stand as to the continuance or generalization of the postwar international treaties for the protection of minorities. But the Statement, in laying down[9] a "legal duty for each state to treat its own population in a way which will not violate the dictates of humanity and justice or shock the conscience of mankind," creates an international minimum standard for the treatment by a state of its own population, whether technically citizens or not, just as international law long ago established an international minimum standard for the treatment of aliens. Even a violation of this Principle would give no other single state a right of intervention, but could be judged by the whole international community.

The aim of the Statement is an organized Community of States,[10] not a World State; the law of this Community of States is international law;[11] the conduct of each state in its relations with other states and with the Community of States is subject to the limitations of international law;[12] all of these statements are merely restatements of the positive inter-

[8] Cf. H. G. Wells, *The New World Order* (New York, 1940); C. B. Fawcett, *The Bases of a World Commonwealth* (London, 1941); O. Newfang, *World Federation* (New York, 1939); the same, *World Government* (New York, 1942).

[9] Principle 2. [10] Postulate 1. [11] Postulate 2. [12] Postulate 3.

national law. The Statement rightly underlines the supremacy of international law. The so-called "sovereignty" of states is, speaking legally, nothing but a bundle of competences given to the states by international law. The "sovereignty" of states means, in terms of Verdross, used by Judge Anzilotti in the Austro-German Customs Régime Case, "that the State has over it no other authority than that of international law;" "inter"-national law is essentially and necessarily supranational law.

The Statement recognizes, in accord with the Atlantic Charter, the "constitutional autonomy" of the states; but, of course, a state is legally bound to carry out in full good faith its obligations under international law and cannot invoke limitations of its own law as an excuse for a failure to perform this duty.[13] The Statement, in conformity with positive international law and the Inter-American Montevideo Convention of 1933, lays down the prohibition of intervention by a state in the internal affairs of any other state.[14] Equally in conformity with positive law, each state has a legal duty to prevent the organization within its territory of activities calculated to foment civil strife in the territory of any other state.[15] This includes the prohibition of fomenting civil strife in any other state by means of propagandist broadcasts; but the careful wording of the Statement shows that it in no way intends to interfere with the constitutionally guaranteed freedom of speech.

If, as Postulate 1 lays down, "the protection and the advancement of the common interests of the states require effective organization," it is good logic that a legal duty is established for each state to coöperate with other states in establishing and maintaining agencies of the Community of States and to collaborate in the work of such agencies.[16] States are not told how to conduct this coöperation nor bound to establish specific agencies. But they are no longer allowed, in terms of a declaration by the Inter-American Juridical Committee at Rio de Janeiro, "to remain aloof from the organization of the international community." The setting up of a legal *duty* to coöperate is an innovation of the Statement.

VI

In order to eliminate war—the most urgent problem—the statement asserts that "any use of force or any threat to use force by a State in its relations with another State is a matter of concern to the Community of States,"[17] a formula derived from Article XI of the Covenant of the League. It is of the utmost importance that here and throughout the Statement the term "war," used in the Covenant and in the Pact of Paris, is replaced by the term "force." The uncertainties as to the dividing line between "war" and the other forms of armed action, not constituting

[13] Principle 1. [14] Principle 3. [15] Principle 4.
[16] Principle 5. [17] Postulate 5.

"war" in the technical sense, made the prohibition of "resort to war" illusory. The Statement uses the clear term "force," whether technically constituting "war" or not. But the prohibition of the Statement envisages only the use of physical, armed force, and does not deal with more subtle forms of force, such as strong economic pressure.

In this connection, the Statement requires the states to employ exclusively pacific means for seeking to settle disputes with other states and, in case of failure of other pacific means, to accept settlement by the competent international agency.[18] And "pacific means" excludes here the use of force, whether "war" or not. But states are bound exclusively to use pacific means *only* if they want to settle their disputes; they are not bound to settle them; they are free to leave them unsettled.[19]

It follows that each state has a legal duty to refrain from any use of force and from any threat to use force, except as authorized by the competent international agency. But a state is allowed to oppose by force an unauthorized use of force made against it by another state.[20] It is the exception of self-defense which must be recognized even in the most advanced municipal legal orders: *vim vi repellere licet.* But in the present primitive legal order, the recognition of self-defense practically annuls a prohibition of resort to war as long as every state is—and that is the legal situation under the Kellogg Pact—the sole judge of its right of self-defense. The Statement, while necessarily granting the right of self-defense, restricts it to a case of actual attack—it can be exercised only against unauthorized use of force, not against a threat to use force—and it brings it under international control: in its exercise of self-defense, the state is subject to immediate reference to and approval by the competent international agency.

Doing away with self-help presupposes the taking over of the protection of states by the Community of States. That is why every state is legally bound to take, in coöperation with other states, such measures as may be prescribed by the competent international agency for preventing or suppressing the illegal use of force.[21] The Statement knows sanctions; this proviso corresponds to what has become known as the system of "collective security." But the Statement is, for wise political reasons, against an international mandate given to a single state; on the other hand, learning from the failures of the League, it lays down neither automatic sanctions of a predetermined nature nor an obligation of the same nature for all the states; it gives greater freedom to the international agency.

[18] Principle 6.

[19] Cf. the dispute now more than a hundred years old between Great Britain and Argentina with regard to sovereignty over the Falkland Islands.

[20] Principle 7. [21] Principle 8.

The Statement further establishes a duty for each state to conform to limitations, internationally prescribed, with regard to the size and type of armaments and to submit to the supervision and control of the competent international agency.[22] It further forbids each State to enter into any agreement with another state, the performance of which would be inconsistent with the discharge of its duties under general international law.[23]

But the elimination of war presupposes another step of the utmost importance—the possibility of "peaceful change." This is a world of perpetual change; nothing is or can be "forever," not even the world itself. This holds true, too, in international relations. International law has long ignored this vital problem, has tried to cling to the illusion that in this field, at least, everything can be settled once and for all, "forever." This illusion is naturally dear to the *beati possidentes* and to the victors in a war, but it is an illusion. In a world in which one cannot step twice into the same river, a purely static point of view is already philosophically untenable. Change will come anyway; the question can only be whether it will come by force—revolution, civil war, war—or whether it can be brought about peacefully. A just and durable peace presupposes a balance between stability and change, between order and justice, between the sanctity of treaties and their revision.[24] It is, therefore, fundamental that the Statement postulates that "the maintenance of just and peaceful relations between States requires orderly procedures by which international situations can be readjusted as need arises."[25] And such procedures cannot be left to wait upon the free concurrence of the interested states.

VII

The Proposals are mere suggestions. The basic proposal is that of universality, as opposed to mere regionalism.[26] The League of Nations, despite its tendency toward universality, was only a particular Confederation of States. The Covenant, naturally not binding upon nonmembers, constituted only particular, not general, international law. The Statement wants to transform general international law from a primitive into a more advanced legal order; and to ask for a universal Community of States means only to say the same thing in other words. For it is not, as non-lawyers sometimes put it, as if the international organization would have to be added to international law; the international organization *is* the international law of a no longer primitive type.

[22] Principle 9. [23] Principle 10.

[24] Cf. Josef L. Kunz, "The Law of Nations, Static and Dynamic," *American Journal of International Law*, Vol. 27, pp. 630–650 (1933), and "The Problem of Revision in International Law," *ibid.*, Vol. 33, pp. 33–55 (1939).

[25] Postulate 6. [26] Proposal 1, par. 1.

The proposal of universality is in this writer's judgment fundamental. Mere regional or continental organizations are absolutely inadequate, even dangerous. Any less than universal organization, whether of "democratic," of "like-minded," states or of the United Nations, must bring forth a counter-combination, and is basically nothing but an *alliance vieux jeu*. If we want a more peaceful world, we must have, to quote Woodrow Wilson's words, a "disentangling alliance" of all the nations for the benefit of all the nations, and directed against no nation.

Learning from the mistakes of 1920, when enemies, Russia, neutrals (Mexico), even allies (Costa Rica), were excluded initially from the League, the new international organization must be universal. All states existing at the end of the war—United Nations, neutrals, enemies—must be included. None should remain aloof; none should be excluded. The Statement does not close its eyes to the possibility of restrictions on certain states at the end of the war. But such restrictions must be merely restrictions on active participation, not exclusion from membership; even these restrictions must be strictly temporary, and removed as early as possible, if the organization is not to be crippled.

The principle of universality further demands that all states which may come into existence in the future be included, and that, contrary to the Covenant, no State should be permitted to withdraw nor should any state be expelled. The principle of universality by no means excludes regional organizations; but they can be admitted only in so far as their purposes are not inconsistent with those of the universal organization, and as the activities of regional agencies are coördinated with the activities of the universal agencies.[27]

The problem of how to bring about the transformation of the present primitive international community into the organized Community of States is left open by the Statement. But that the Statement does not envisage a revolutionary procedure of making a decision by a certain number of states legally binding on other states, without or against their consent, can be seen from Proposal 23, which deals with the amendment of the "international instrument creating the organization of the Community of States."

But this universal Community of States is a confederation of sovereign States, not a World Federal State. Following the precedents of international administrative unions and of the League, it would have three principal organs: General Assembly, Executive Council, and General Secretariat. The last-mentioned[28] would be along the lines of the Secretariat of the League. But learning from the League's experience that some member-states more and more got men appointed who were much

[27] Proposal 1, par. 2. [28] Proposal 16.

more the agents of their states within, than international officials of, the League, it is wisely proposed that the officials of the Secretariat should be independent of control by the states of which they are nationals. This point is very important: an effective Community of States needs a truly international civil service.

The General Assembly,[29] which meets at least once a year, and in which all states are entitled to representation is, true to the character of a federation, not a popularly elected parliament, but a strictly international, diplomatic conference, consisting only of government representatives; the delegates of each state vote as a unit. The Executive Council,[30] meeting at least four times a year, would be the general executive organ. Assembly and Council would have authority to establish their own rules of procedure; their meetings would be, in general, public.[31]

Following the Covenant, Assembly and Council would have, in general, identical competence: power to deal with any matter of concern to the Community of States. But certain important functions lie within the exclusive competence of the Assembly: to elect states to the Executive Council,[32] to deal with all questions relating to the general budget, to decide upon methods of providing funds for meeting expenses, and to fix the proportions in which states should contribute to such funds.[33]

Other very important functions fall within the exclusive competence of the Executive Council. Acting in all cases ex officio or at the request of any state, the Council has power to take cognizance (1) of any alleged failure by a state to carry out its obligations under international law, and if the failure is established, to take such action as it may deem necessary for protection of the interests of the Community of States;[34] (2) of the prevalence within the territory of any conditions which menace international peace and order;[35] (3) of any use of force, or threat to use force, by a state in its relations with any other state; and to take such action as it may deem necessary and to prescribe the specific measures to be taken by states for preventing or suppressing the use of force.[36] The decision whether "sanctions" should be applied, and, if so, of what nature and by what states, would be left to the Council. These sanctions could be economic or military, or both. True to the character of a confederation, the Statement does not propose an "international police force," but the use of national forces in case of need. For an "international police force" in the real sense, i.e., a strictly international military establishment, the members of which would owe allegiance only to the Community of States, with an international general staff, under international command, and at the disposal of an international government, an international estab-

[29] Proposal 2. [30] Proposal 3. [31] Proposal 5. [32] Proposal 4.
[33] Proposal 6. [34] Proposal 8. [35] Proposal 10. [36] Proposal 9.

lishment of overwhelming force, would mean a World State; and that is, at this time, wholly utopian.

Certain matters would fall under the concurrent competence of Assembly and Council: (1) to adopt general provisions for preventing or suppressing the use of force by states in their relations with other states;[37] (2) amendment of the international instrument creating the organization of the Community of States;[38] (3) to advise the revision by the parties of executory treaties;[39] (4) to advise the readjustment of international situations;[40] (5) to create and maintain special agencies for dealing with matters of disarmament, international trade, production and distribution of food and raw materials, international finance and investments, international transportation and communications, public health, narcotics and dangerous drugs, intellectual coöperation, population and immigration problems, and welfare of dependent peoples.[41] In all of these fields, we possess precedents in the often very successful work of the League of Nations. The Statement further calls for maintaining the International Labor Organization[42] and various existing international unions as agencies of the Community of States.[43]

A sixth matter within the concurrent competence of the Assembly and Council would be international legislation. Speaking generally, the Assembly is merely a deliberative, not a legislative, organ.[44] But at one point the Statement would vest in it a power of true international legislation, though limited to the modification of existing and enactment of new norms of general international law. Here we could speak, for the first time in history, of genuine international legislation. The Assembly would not merely recommend or prepare draft treaties, but would legislate with direct binding effect on the states, including those voting against such legislation. But the necessity of a two-thirds vote, plus the unanimous vote of the Council, would guard against the hasty exercise of this power. This legislative power certainly is one of the boldest innovations of the Statement. If accepted, it would mean a great advance; it would make possible a development of general international law, hitherto hampered by the fact that such law could be created only by custom—a slow, vague, typically primitive procedure.

Equally progressive is the handling of the unanimity problem. Contrary to the Covenant, Assembly decisions would, in general, need only a simple majority vote.[45] A two-thirds vote, plus concurrence of the Council, would be necessary only in exercising the power of international legislation, in advices on revision, and in amending the Constitution.

International organization always poses the delicate problem of a

[37] Proposal 9, par. 1. [38] Proposal 23. [39] Proposal 21.
[40] Proposal 22. [41] Proposal 11. [42] Proposal 14.
[43] Proposal 15. [44] Proposal 7. [45] Proposal 2, par. 2.

balance between the equality of states and the necessary prominence of the leading states. The Statement tries to solve this problem, first by universal representation in the Assembly and a proviso that the Assembly must concur in certain functions of the Council. The leading position of the most important states is, however, indispensable; nor is this in contradiction with positive law. For the "equality of states" as a norm of positive general international law means only their quality *before* the law, not necessarily their equality *in* law. That is why the Statement suggests a system of weighting the votes of states in the Assembly, according to some criterion or a combination of criteria, or different systems of weighting the votes.

The primary device is the composition of the Council, which, as in the League, is a body limited to a certain number of states. But the Statement, contrary to the Covenant, does not propose "born," permanent members of the Council. While initially the states entitled to a seat in the Council should be named, in general *all* Council members would be elected by the Assembly. This would avoid the odium of a legal privilege for the "Great Powers," especially as the election would come from the Assembly, where all the states are represented. The continuous election of the really leading Powers seems certain; but their reëlection would depend on their keeping their leading position, and the way would be open for the election of states which in the meantime had attained a leading position. Following a precedent taken from the International Labor Organization, eligibility to the Council would be restricted to the states of chief importance in international affairs, so that a number of states would be excluded *a priori* from eligibility.[46] Further, contrary to the Assembly, Council votes need, in general, unanimity[47]; and the Council has unanimously to concur in certain functions of the Assembly.

It seems that these proposals should satisfy the "Great Powers"—for the most important decisions would need their unanimous vote—without offending the *amour-propre* of the smaller states, and thus guarantee an effective international organization.

VIII

International coöperation in many fields is a very important function, but the maintenance of peace is the vital task. And it is not enough to forbid the use of force by a state in its relation with any other state and to give the Council certain powers to use force, of which we spoke in the preceding section, in case of violation of the prohibition or of other breaches of international law.

[46] Proposal 4.

[47] Exceptions: matters of procedure and appointment (simple majority), two-thirds vote for proposals of revision.

War, in the present primitive international law, has served for upholding a state's right, violated by another state, through methods of self-help, and as a revolutionary procedure for changing the existing law. Elimination of war, in consequence, is possible only if peaceful and effective substitute procedures for both upholding and changing the law are created. Advanced municipal law, in order to eliminate blood-feud and revolutions, has created courts and legislatures.

The most urgent need, the first necessary step toward a more advanced international legal order, is the introduction of compulsory courts in general international law. This is today widely recognized.[48]

The Statement, apart from upholding the Permanent Court of Arbitration at the Hague,[49] stands for the maintenance of the Permanent Court of International Justice[50] "as the chief judicial organ of the Community of States;" "its Statute should be adapted to the organization of the Community of States."[51] The Proposal leaves open the question of other permanent international courts, but asks for their hierarchical subordination to the PCIJ. No proposals as to the adaptation of the Statute are made. In this writer's judgment, further guarantees for the impartiality of the judges should be enacted, and the institution of "national judges" should be abolished.

The most far-reaching and absolutely necessary innovation of the Statement is the introduction of the compulsory jurisdiction of the PCIJ,[52] and authority to decide upon its own jurisdiction. These latter decisions, as well as the judgments on the merits, are, of course, binding upon the parties. The system of advisory opinions is maintained.

This innovation is fundamental. Hitherto no compulsory courts have existed in general international law, nor did the PCIJ have such compulsory jurisdiction. The corresponding clause was optional, was entered into only for a certain time, and was vitiated by numerous important

[48] "One of the institutions that should be established and which must be given efficiency is an International Court of Justice," said Secretary of State Cordell Hull in a statement of July 23, 1942. A resolution of the committee of the American Bar Association on postwar international judicial organization, August 24, 1943, p. 14, lays down, "that a primary war and peace objective is the establishment and maintenance of an effective international peace among all nations based on law and the orderly administration of justice, and that the administration of international justice requires the organization of a judicial system of inter-related permanent international courts with obligatory jurisdiction." This resolution has been adopted by the American Branch of the International Law Association, the Federal Bar Association, the American Society of International Law, and the House of Delegates of the American Bar Association. Cf. also Commission to Study the Organization of Peace, Preliminary Report, Nov., 1940, p. 12; and Inter-American Bar Association [*American Journal of International Law*, Vol. 27, pp. 106–115 (Jan., 1943)].

[49] Proposal 13.

[50] Referred to in the following as PCIJ.

[51] Proposal 12.

[52] Proposal 17.

reservations. Compulsory jurisdiction means that no reservations are admissible either as to the nature of the dispute or as to the time when it arose, that no special *compromis* is needed in each case, and that the unilateral request by one party submits the other party to the jurisdiction of the PCIJ. The absolute necessity of the introduction of courts with compulsory jurisdiction into general international law as the first step toward a more advanced international legal order has been defended with particular vigor by Kelsen.[53]

Proposal 17 suggests compulsory jurisdiction over all interstate disputes "in which States are in conflict as to their respective legal rights." The conditions for setting in motion the compulsory jurisdiction of the PCIJ are, therefore, that there exist "a dispute" of this category and that at least one party to the dispute make an application to the PCIJ. It is not necessary that all other means of peaceful settlement have been exhausted without result, or that it has not been possible to settle the dispute by diplomacy. The parties, on the other hand, are, of course, free to settle the dispute by diplomacy, or to agree to settle it by recourse to good offices, mediation, conciliation, or also to submit the dispute to the adjudication of the Permanent Court of Arbitration or of an *ad hoc* international tribunal. But if the method agreed upon should not result in a settlement, any party can make an application to the PCIJ. The Statement does not give the PCIJ jurisdiction in disputes of this category which are pending before the Executive Council; the justification of this latter feature is debatable.

Proposal 20 gives the PCIJ jurisdiction upon application by any party to the treaty to give a declaratory judgment that an executory treaty has ceased, in whole or in part, to be binding in the sense of calling for further performance, in the case of the application of the *clausula rebus sic stantibus*. This clause applies, as correctly defined by the statement, if the PCIJ finds that the treaty has been entered into with reference to an existing state of facts, that the continued existence of this state of facts had been envisaged by the parties at the time as a determining factor moving them to undertake the obligations stipulated, and that this state of facts has essentially changed. This is, indeed, a question "as to the respective legal rights" of the parties, very different from a dispute, arising out of one party's wish for the *revision* of a treaty, the continued binding force of which is not disputed—a wish for revision by change or abolition of a valid treaty for political, metajuridical reasons.

[53] Hans Kelsen, *Law and Peace in International Relations* (Cambridge, Mass., 1942), pp. 145–168; "Compulsory Adjudication of International Disputes," *American Journal of International Law*, Vol. 37, pp. 397–406 (July, 1943); "Peace Through Law," *Journal of Legal and Political Sociology*, Vol. 2 (Oct., 1943), in Spanish translation: "La Paz por el Derecho," in *Revista del Colegio de Agobados de Buenos Aires*, Vol. 21 (1943).

On the supposition that the PCIJ will have no sheriffs, and that an international police force is utopian, the Statement provides[54] for the execution of a judgment of the Court, in the event of failure by any state to comply with it, the Council to have power to take such action as it may deem necessary for giving effect to the judgment.

As the Statement restricts the compulsory jurisdiction of the PCIJ to interstate disputes in which states are in conflict as to their respective legal rights, and which are submitted to the Court by at least one party to the dispute, provision must be made for the peaceful settlement of all other interstate conflicts. Proposal 18 gives the Executive Council power to take cognizance of any dispute between two or more states which is not pending before the PCIJ, to take conservatory measures, to request an advisory opinion of the PCIJ by majority vote—a very important and necessary innovation, as compared with the League of Nations—to try to bring about a settlement of the dispute by agreement of the parties, and, in case of failure, to give by unanimous vote a decision binding upon the parties; and, failing such a decision, to adopt by majority vote and publish a report containing a statement of the facts and the recommendations deemed to be just and proper in regard thereto. The Council can exercise this power not only at the request of any party to the dispute, but at the request of *any* state and without request ex officio.

It will be seen that this power of the Council extends to *all* disputes, not only to the so-called "political" disputes. It applies, first, to interstate disputes, in which the states are not in conflict as to their respective rights, disputes which this writer has called "dynamic conflicts," disputes in which the positive law is not disputed, but where at least one party seeks a change of this positive law. It is clear that such disputes cannot be solved by a court; they call for international legislation. And as long as no general international legislation can be established, peaceful settlement must be sought through procedures such as outlined by the Statement. This proviso is one of "peaceful change." The weak point of the proposal consists in the fact that it does not guarantee a settlement of the dispute in all cases. For the majority opinion of the Council is not binding, and to reach a unanimous report is in international affairs notoriously difficult.

The power of the Council under Proposal 18, applies, second, to interstate disputes in which the parties are in conflict as to their respective legal rights, if no party has made an application to the PCIJ; indeed, the power of the Council extends to all conflicts of this nature, except if they are pending before the PCIJ. In this case, a unanimous binding decision in a dispute in which the parties are in conflict as to their respective legal rights could be reached, which is not based on the positive law, and a fail-

[54] Proposal 17, par. 3.

ure to comply with such binding decision could set in motion the action of the Council under Proposal 8. This part or consequence of Proposal 18 is debatable.

Proposal 18 already enters the area of "peaceful change," for which further provisions are made by Proposals 21 and 22. Under Proposal 21, the Executive Council, acting at the request of any party to the treaty—never ex officio—has power, by a two-thirds vote, and with the concurrence of the Assembly, given by a two-thirds vote, to advise the revision by the parties of an executory treaty which it finds to be not adapted to existing conditions. But the revision would have to be made by the parties, and the advice has no binding effect. If one of the parties fails to collaborate in full good faith in the revision after such advice has been given, any other party can apply to the PCIJ, which has jurisdiction by declaratory judgment to pronounce that the treaty has ceased to be binding, if the Court finds that under the existing conditions the treaty has become unduly onerous to one or more of the parties.

The procedure would not necessarily lead to a settlement. The Court's jurisdiction arises only in case of failure to collaborate in the revision; the Court would have to give a judgment on a *political* issue. For this is a true case of revision of treaties, but restricted to executory treaties.

The problem of revision, however, can arise also with regard to international situations produced by executed treaties or not based on treaties. That is why Proposal 22 gives the Executive Council power, ex officio or at the request of any state, by two-thirds vote and with the concurrence of the Assembly, given by two-thirds vote, to advise the readjustment of any situation the continued existence of which would endanger good understanding between states. But the advice would have no binding force.

While the Statement, and especially the proposals, are open to debate at some points, it is hoped that in general it will be found sound. The Statement does not envisage a millennium; it restricts itself to laying down points which are essential and, at the same time, within political possibilities. The Statement assumes that a progressive development will be slow and difficult; but it supplies a starting point for the transformation of the present primitive into an advanced general international law. It does so by the prohibition of the use of force, substituting organized and pacific procedures for upholding and for changing law. It tries to balance security and justice. It is a proposal for a universal confederation of sovereign states, designed to lead, not to a World State, but to a world of "good neighbors," coöperating in peace for a better world, not only with regard to freedom from fear and want, but also with regard to those superlative human goals—greater and greater achievements in the realm of culture.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At the University of Chicago, Professor Charles E. Merriam is again giving his course on American political theory, together with a special series of lectures in this field, during the spring quarter.

Professor Marshall E. Dimock, Assistant Deputy War Shipping Administrator, is giving a series of ten lectures at New York University during the current semester on "Philosophy of the Public Service State."

For the past two years, Professor Frank M. Stewart, director of the Bureau of Governmental Research at the University of California at Los Angeles, has served as director of metropolitan area studies for the Haynes Foundation of Los Angeles.

Dr. Guy Howard Dodge and Dr. John W. Lederle, of Brown University, have been promoted to the rank of assistant professor. Dr. Lederle has also been appointed assistant dean of the College.

Professor Charles H. McIlwain, of Harvard University, has been appointed to the George Eastman visiting professorship at Oxford University, which on account of the war has been vacant since 1940.

Mr. Frederick P. Gruenberg, who for approximately two years has been area rent director of the Philadelphia Defense-Rental Area of the Office of Price Administration, has resigned to become secretary of the Samuel S. Fels Fund. The Fels Fund is a foundation created by Mr. Fels for research in scientific, educational, civic, and social problems.

Professor L. Vaughn Howard, formerly of the University of Maryland, is organizing a bureau of public administration at the University of Georgia and also serving as executive director of the Georgia Agricultural and Industrial Development Commission.

Colonel Joseph P. Harris, of the University of California, who was formerly in charge of the work in public administration at the School of Military Government at Charlottesville, Virginia, has accepted the position of Director of Personnel for UNRRA. Major Charles M. Kneier, of the University of Illinois, is now in charge of the work in public administration at the School of Military Government.

Announcement has been made of the promotion of Professor John W. Manning from the rank of Major to that of Lieutenant Colonel. Colonel Manning, on military leave from the University of Kentucky, is now the

Assistant Chief, Office of Technical Information, Adjutant General's Office, War Department, Washington, D. C.

Professor Franklin L. Burdette, of Butler University and the National Foundation for Education, is serving as a member of the Indiana War History Commission by appointment of the governor.

Dr. Esson M. Gale, acting James Orrin Murfin professor of political science at the University of Michigan in 1940–41, has been appointed counselor to foreign students and director of the International Center at the University of Michigan. He succeeds Professor J. Raleigh Nelson, who retired in 1943. Professor Gale continues to give instruction in Far Eastern international relations.

Dr. William G. Torpey was a Navy Department representative at the second annual conference of the Federal Personnel Council of Metropolitan New York held in New York City on February 9–11. He is administrative assistant in charge of civilian personnel operations for the Third Naval District Headquarters, New York.

Professor Joseph A. Kitchin, on leave from the University of Maryland, is a First Lieutenant in the U. S. Marine Corps and is assigned to an aviation unit.

Dr. Kenneth O. Warner, formerly director of personnel in the Office of Price Administration, has been appointed assistant administrator in the Foreign Economic Administration.

During February and March, and by arrangement of the Carnegie Endowment for International Peace, Professor Wilson L. Godshall, of Lehigh University, spoke at West Texas State College and at a Northwest Regional Conference at Spokane, Washington, on postwar prospects and plans for international organization.

Dr. William O. Farber, on leave as professor of government and director of the Governmental Research Bureau at the University of South Dakota, has been appointed warrant officer in the Historical Section of the AAF Central Flying Training Command at Randolph Field, Texas. For one year prior to his induction into the Army, Dr. Farber was State Price Officer for the OPA in South Dakota.

Dr. Richard G. Brown, associate professor of political science at Illinois State Normal University, Normal, Illinois, has been appointed acting director of research for the Illinois Legislative Council. Dr. Karl A. Bosworth, who has been acting director since last September, has accepted a position with the Civil Service Assembly in Chicago. The director of research, Dr. J. A. Isakoff, is on leave while in military service.

Among fourteen members of a commission supported financially by *Time, Inc.*, and headed by President Robert M. Hutchins, of the University of Chicago, for purposes of an extended study of the freedom of the press in America, are Professor Charles E. Merriam, of the University of Chicago, Dr. Harold D. Lasswell, of the Library of Congress, and Dr. Robert D. Leigh, director of the foreign broadcast intelligence service of the Federal Communications Commission.

The National Tax Association will hold its thirty-seventh annual conference, September 11, 12 and 13, at the Jefferson Hotel, St. Louis. Professor James W. Martin, of the University of Kentucky, and formerly tax commissioner of that state, has been appointed chairman of the program committee.

On January 22, the Pacific Southwest Academy held at Los Angeles a regional conference on postwar problems, with seminars on "Full Employment and Free Enterprise," "The Social Responsibility of Planning," and "Regional vs. Worldwide International Organization," and with three other sessions of more general character. The series closed with a dinner meeting presided over by Professor John M. Pfiffner, of the University of Southern California, president of the Academy. In the capacity of a past president of the national organization, Professor Charles Grove Haines extended greetings from the American Political Science Association.

Under the auspices of the Graduate Division of the School of Social Sciences and Public Affairs at the American University, Washington, D. C., and with the coöperation of the U. S. Bureau of the Budget, materials on "Budgeting: An Instrument of Planning and Management" are being prepared and edited by Professor Catheryn Seckler-Hudson, chairman of the department of public administration. The materials will appear in seven volumes, processed, under the following titles, Nos. 1, 3, and 5 being now available: (1) "The Evolution of the Budgetary Concept in the Federal Government"; (2) "Federal Budgeting and National Fiscal Policy"; (3) "Wartime Budgeting, Including Federal-State-Local Fiscal Relations"; (4) "The Relationship of Budgeting to Planning and Management"; (5) "Formulation of the Federal Budget and the Appropriation of Funds"; (6) "Execution of the Federal Budget and Fiscal Accountability"; (7) "Government Corporations and the Budgetary Process." The purpose of this effort is to make available to those interested in government and administration selected readings, hitherto largely unpublished, on the evolving broad concept and practice of budgeting as a tool and process of management.

A Preparatory Working Commission has recently been established in

Chungking to formulate the constitution of a China Society of International Law for the purpose of promoting the study of international law and relations in the Orient. The president of the Commission is Dr. Sun Fo, president of the Legislative Yuan, and the members of the organization include such other prominent Chinese government leaders as Dr. Wang Chung-hui, secretary-general of the Supreme National Defense Council; Dr. Quo Tai-chi, chairman of the Foreign Affairs Committee of the Supreme National Defense Council; Dr. Wang Shih-chieh, secretary-general of the People's Political Council; and Dr. Hsieh Kuan-seng, minister of justice. The organizing secretary of the Commission is Professor Percy Chen, son of the former minister of foreign affairs, Mr. Eugene Chen.

President Leonard D. White has appointed Dr. James W. Fesler (War Production Board) as chairman of the Program Committee for the year 1944, and also chairman of the Washington Committee. Professor Lloyd M. Short (University of Minnesota) has been appointed chairman of the Committee on Nomination of Officers for the year 1945. Other chairmen of committees include Professor John E. Briggs (State University of Iowa) for the Committee on Regional and Functional Societies; Dr. Ernest S. Griffith (Library of Congress) for the Committee on Research; Professor Howard White (Miami University) for the Committee on the Social Studies; Professor William Anderson (University of Minnesota) for the Committee on Endowment; Professor W. Reed West (George Washington University) for the Committee on Publication of Election Statistics for 1944; Professor Franklin L. Burdette (Butler University) for the Committee on Professional Opportunities of Political Scientists; and Professor Francis W. Coker (Yale University) for the Committee on the Library of Political Thought. Complete committee memberships will be published in the June issue of the REVIEW.

BOOK REVIEWS AND NOTICES

Reflections on the Revolution of Our Time. By Harold J. Laski. (New York: The Viking Press. 1943. Pp. 419. $3.50.)

This study represents a milestone in Laski's distinguished writing career. Similar to his earlier *Grammar of Politics*, it again concludes a fruitful period of his intellectual development. It highlights and summarizes the findings of a decade of publications which began with *Democracy in Crisis* and were continued in *The State in Theory and Practice*, *The Rise of Liberalism*, and his most recent *Where Do We Go from Here?* This very fact explains that many ideas and concepts presented in this new volume will be quite familiar to the careful student of Laski. Even the uninitiated may sometimes detect repetitions in an otherwise well-rounded performance. Yet one welcomes such powerful restatement for its intensity and comprehensiveness of close-knit argumentation in the master's best style. It gives this new presentation a degree of finality.

The basis of Laski's views is his conviction that the present-day conflagration is but a part of a great social upheaval. This coincidence of War and Revolution, commonplace though it may have become in the daily columns by now, is seen by Laski in all its repercussions. To win the war is not enough; the peace to be made becomes the yardstick for real victory. The very challenge of the revolution of our time can be answered only if the conflict between democracy and social order is fully resolved. Laski is genuinely concerned about the survival, renewal, and extension of democratic values and institutions; yet the historical union between rising capitalism and an early democracy makes him doubt whether the economic ruling classes will be ready to allow the increasing participation of the awakening masses in the political, social, and economic returns. The acquiescence of the owning classes, though difficult in a contracting capitalism, would allow a "revolution by consent" which, according to the author, is the only alternative to fascism and imperialistic war and must come now when "the drama of war makes the common interests more compelling than any private interest." Such thoughts, in broad pattern, indicate the sign posts along which Laski cuts across the labyrinth of the "Revolution of Our Time." If one wants to classify his analysis, it might well be called a Marxist interpretation of a refined kind. Such a simplified report certainly does not do justice to the richness of his observations and to the abundant material brought together in this volume. Yet, a bare outline tracing his ambitious attempt at a panorama of the profound transformation must suffice.

The study opens with an astute evaluation of "The Spirit of the Age." It rightly emphasizes the importance of fear as a most significant psychological element predominant among the ruling classes today. The

catholicity of the author's view can be well seen in his interpretation of Stalin, whose actions, especially from 1939 to Hitler's assault on Russia, were not in the least dictated by this grip of fear which "paralyzes the faculty of rational judgment." In fact, the author's whole analysis of the Russian revolution is one of the most balanced and circumspect interpretations the reviewer has seen on this most controversial topic. Laski is convinced that the Russian revolution constitutes an historic event which will match the import of the French Revolution. And, different from the Edmund Burkes of today, he views the great socio-economic transformation of the U.S.S.R. as an inspiring trend of our time. Despite such admiration, he gives a sober and critical vista of the special character of progressing Bolshevism, including its world-wide repercussions in the Third International.

The ensuing study of "The Meaning of Fascism" may not strike the reader as being equally original and penetrating with the interpretation of the Soviet scene. To a large extent, it elaborates the well-known formula of the Marxist analysis: Fascism, the last stage of capitalism—though Laski recognizes two basic facts overlooked by the prevalent Leftist interpretation. Fascism was able to build up mass movements, and by its own inner logic it has been driven to the destruction of capitalism in its historic liberal form. Such an exposition brings Laski much closer to the "dynamics of power" than that of other revolutionary thinkers who have so badly neglected it. Moreover, the great upheaval of our time reflects fundamentally a moral and total crisis, the need for a faith in a social order, as Laski so well puts it. One may argue with him about the definiteness with which he describes the status of our present world as "a society that is hastening to its dissolution"; though hardly any serious student of modern totalitarianism can deny the justification of his statement that the success of fascism was "only possible in any society in an epoch when men no longer have the great ends of life in common."

The ensuing extensive discussion of "the democracies at bay" elaborates in detail the internal and international aspects which must be considered in a postwar world if it is to lead to a genuine order. It is especially gratifying at this point that Laski does not offer another set of blueprints, but that he insists on the "analysis of the central conditions without which the idea of international government is no more than a conceptual toy with which man may play." This last part on "the threat of counter-revolution" and "freedom in a democracy" represents worth-while reading, even for those who may not agree with his exposition *in toto*, and certainly constitutes one of the most thought-provoking contributions to a popularly inflated discussion on the postwar world.

Laski has come a long way from the *Grammar of Politics* and his

doctrine of Pluralism to the Class-Domination theory as presented during the last decade of his learned career. One may easily detect at this mature stage of his intellectual development a view which goes far beyond a materialistic interpretation of history (whose champion he has long been regarded as being) and an attempt at a comprehensive understanding of the complex reality. In fact, if one tries to explain the profound effect which Laski's teaching and writing has had on both sides of the Atlantic, one may see it in his rare combination of conceptual clarity and concrete awareness, of philosophical insight and an amazing grasp of the multifarious reality. Thus he fulfills the twofold function of the social thinker of today: the indefatigable mastery of concrete situations and the establishment of a frame of reference which alone gives meaning and directness to an otherwise chaotic reality.

It is the special virtue of this great social scientist that he confronts his contemporaries with a clear challenge, while at the same time the intellectual finesse of his observation and his unflinching respect for reality will make him break any artificial framework of absolute concepts. If the impatient zeal of the great reformer and the cool restraint of the trained observer, this impressive combination of eloquence and erudition, sometimes lead to seeming contradictions, they make his performance the more admirable and real. They show the maturity of his thought, and guarantee the lasting influence of his work.

SIGMUND NEUMANN.

Wesleyan University.

Fabian Socialism. BY G. D. H. COLE. (London: George Allen and Unwin, Ltd. 1943. Pp. vii, 172. 7s. 6d.)

Mr. Cole is the chairman of the Fabian Society, and this book, as he explains in his Preface, was begun in 1941 at the summer school conducted by the Society. It is not, however, a tract or official publication of the Fabians, but expresses the author's own conception of their ideals and principles. Yet it grew directly from the purpose of the Society to foster a new socialist crusade, and its intention is to induce "action-now." That is to say, the book is meant to bring an end to the moratorium on politics and political discussion which has been the result at once of the war and of the inclusion of all the British parties in a coalition government. Mr. Cole has accordingly attempted to give a persuasive and, so far as possible, a non-controversial statement of socialism, in simple language and in terms of moral and political ideals entertained by liberal-minded Englishmen of all classes, with as little stress as possible on ideological arguments that might divide his audience. His book is in fact addressed to all men of intelligence and good-will, with the design of convincing them that socialism is the only hope for a peaceful and progressive European society

after Germany has been defeated. However successful it may prove, it is at least well suited to the end he has in view. His writing, though not without occasional evidences of haste and of faulty coördination, is lucid and easy—the work of a practiced and skillful expositor. And behind the writing are feeling and seriousness and a genuine sense of the moral urgency of the situation.

In a sense, it might be said that Mr. Cole seeks a return to the earlier days of the British Labor party. His exposition of Fabian Socialism makes no claim to originality, at least in its main principles. These are the principles and purposes which Sidney Webb set down for the Labor party at the end of the last war in the report on general policy which was published under the title *Labour and the New Social Order*: the enforcement of a national minimum of "leisure, health, education, and subsistence." Mr. Cole's socialism is motivated, as Fabian socialism has always been, by a sense of social morality and responsibility, and by a desire to see economic and social and political arrangements controlled by scientific and administrative intelligence for humane ends. It is quite non-Marxian in that class-antagonism has no part in its theory and revolution has no part in its strategy. Its approach to social problems is meant to be realistic, in the sense that it avoids confusing its aspirations with facts and aims to keep its aspirations within the bounds of the practicable. Its method is empirical, and its ideology includes no nonsense about dialectic either idealist or materialist. But with all its willingness to compromise in details and to make haste toward the new order as slowly as may be necessary, it is uncompromisingly socialist in its main aims. Mr. Cole is convinced that for the present capitalism means not free enterprise but monopoly, and monopoly means war and fascism. Hence any acceptable society that is now possible must rest "on planning for plenty and social welfare, on collective ownership and control of the key services which determine the general character of the productive system, on collective control of the distribution of the national income, and on an attempt to achieve a social structure which will call for the active participation of as many as possible of the citizens in the work of political and economic government and administration" (p. 167). It is because the present Labor party has lost sight of these ends, and because the socialist propaganda formerly carried on by the Independent Labor party has lapsed, that the Fabian Society must now step forward as the active agent in teaching socialism to the trade unions.

Mr. Cole's book is avowedly a tract for the times. Its only claim to originality is its attempt to restate the purposes of Fabianism in the light of present problems. Even in this respect, almost by its own profession it is dated. Evidently a considerable time, in comparison with the rapidity with which events now move, has elasped between the writing of some of

its chapters and its publication. As he himself notes, the chapter on social security was completed before the printing of the Beveridge Report. And the chapter on international affairs in Europe was written while it was possible to entertain the possibility—perhaps the hope—that the war would leave Russian influence confined almost wholly to eastern Europe. If Fabian Socialism succeeds in becoming an important factor in British politics, its program, in all except general principles, will have to be revised and elaborated much beyond the point to which Mr. Cole has brought it.

GEORGE H. SABINE.

Cornell University.

A Social Psychology of War and Peace. BY MARK A. MAY. (New Haven: Yale University Press. Published for the Institute of Human Relations. 1943. Pp. ix, 284. $2.75.)

Dr. May has given us a timely and valuable book. It is a clear exposition of the manner in which human beings are conditioned and habituated to war and peace. The account of the primary psychological responses is lucid and direct, unencumbered by scholarly verbiage or needless technicality, if also not marked by any original contribution to the subject. The author writes convincingly of the processes by which men learn to hate and to fight, to fear and to escape, to love and to defend. His main contention here, supported by the researches of modern psychology, is that our social training and indoctrination are primarily responsible for the attachments of our emotional life. The argument is well sustained, although at points it may be over-simple, as when, for example, he says that "learning to love is simply learning the places, things, and circumstances that can be *counted upon* [author's italics] to satisfy some want, felt need, or desire" (p. 104). The inadequacy of such simplification appears when it is applied to some particular social phenomenon, such as love of country. "Love for country," says our author, "is accomplished basically by getting the symbols that stand for it connected as stimuli to responses which reduce pain, relieve anxiety, and otherwise satisfy the needs, wants, appetites, and desires of the child." In this and some other passages there is a too exclusive reliance on the "stimulus-response" principle, which tends to do less than justice to the complexity of the social personality of men and groups. Consequently, the account given by Dr. May of such social phenomena as leadership, the appeal to the masses, social movements, etc., leaves something to be desired.

On the other hand, the author's recognition of the rôle of institutions in the formation of habits is particularly significant, and from it he draws some very important conclusions. He offers cogent evidence to show that "social attitudes and habits favorable to peace can be produced by

education" (p. 235). But we must provide the "necessary learning conditions." And a primary condition is the creation of international institutions to which the requisite attitudes can be directed. Dr. May opposes this conclusion to the defeatist position that we must first become good before we can have a better world. He maintains, on the contrary, that "effective education for world peace will perhaps not occur until there is first established a strong international authority" (p. 228).

Dr. May is on the whole cautious in drawing general conclusions, but he occasionally overstates a position. Thus he roundly asserts that "aggressive movements stem mainly from persons who occupy subordinate positions and who at the moment are suffering an unusually bad run of frustrating circumstances with no relief in sight" (p. 166). No one would deny that a sense of frustration is a major condition of aggressive attitudes. But that sense of frustration may be experienced at any level of power and not merely at the bottom. The aggressive itch is not peculiar, as he suggests, to the lowest economic and social ranks. As many instances of aggressive behavior could be cited from higher economic levels as those he offers from the lower. Nor is he on sure ground when he maintains that the more aggressive tendency of the CIO, as compared with the older craft unions, is due to the fact that the former is "composed mainly of unskilled wage earners." There is, for example, the question of aggressive leadership, and there is the strategical difference between the craft basis of union and the industrial basis.

These, however, are minor defects, and they scarcely detract from the general value of the book. Perhaps the best evidence of its truly scientific character is that the treatment of this most timely subject is not in any way deflected by the fact that it was written under war conditions. The author does not hesitate to draw various lessons applicable to specific issues of postwar organization, but there is nothing in his book that he need want to delete or to revise in later days because the psychologist was himself affected by war-time psychology.

R. M. MacIver.

Columbia University.

Postwar Plans of the United Nations. By Lewis L. Lorwin. (New York: The Twentieth Century Fund. 1943. Pp. xii, 307. $2.50.)

In spite of much writing about the United Nations, there are still gaps in the literature dealing with them. One important gap heretofore has been the lack of a volume surveying the domestic plans of the United Nations. Dr. Lorwin, formerly with the Brookings Institution, the International Labour Office, and the National Resources Planning Board, and author of numerous books, pamphlets, and articles on economic subjects, has written such a survey.

The plans described are not only those prepared by government agencies, but also those formulated by organized groups such as employers' associations, chambers of commerce, labor unions, coöperatives, churches, and political parties. In a sense, they are detailed commentaries on the longings of men for freedom from want and fear. The plans deal not only with questions of demobilization and transition from war to peace, but with long-range problems as well.

Over a third of the book is concerned with Britain and the United States; the other nations receive briefer treatment. Specialists will naturally quarrel with the space allocations (for example, one page to the Chinese Communist party), but there are full bibliographical footnotes for those desiring further information about a particular country. Whether it be the Beveridge Report, the Uthwatt Committee, the Commission to Study the Bases of a Just and Durable Peace, or the various Soviet plans, the author has provided a reference work covering them all.

In a short—perhaps too short—concluding chapter on "Postwar Patterns and Problems," there is an analysis of the common elements and divergences of the plans. While some stress private enterprise and others state action, they all agree that government must increasingly intervene to secure the good life of the future. Dr. Lorwin has deliberately excluded from his discussion plans for international organization and coöperation, but he does not ignore the intimate relationship between national and international planning. He rightly says (p. 298): "The chief limitations of current postwar plans are the conflicting elements in the proposals of the different countries and their lack of coördination with plans for international economic and social organization. The capacity of the United Nations to reconcile these conflicts in their domestic postwar plans will determine the degree of their success in building a better postwar world for all."

Dr. Lorwin has written an interesting, scholarly, and timely reference work, one which is sure to be widely used by all who strive to create a postwar world capable of transforming the Four Freedoms into realities.

ROGER H. WELLS.

Bryn Mawr College.

Russia and Postwar Europe. By DAVID J. DALLIN. Translated by F. K. Lawrence. (New Haven: Yale University Press. 1934. Pp. 223. $2.75.)

In this book the author argues that in our war for survival as a democracy we should not overlook the fact that Russia's future plans are expansionist and potent, and that we should not condone so easily her establishment of wide "security spheres" in Europe. The largest portion of the book presents an intelligent analysis of the multitudinous factors affecting Soviet Russia's foreign policy, but its conclusions do not neces-

sarily square with the reasoning advanced by the same author in the same book, and are therefore fraught with danger.

Those who have studied the Soviet situation would both question and challenge Mr. Dallin's sweeping statement: "The Soviet Government has not the least faith in the durability of postwar alliances, in assurances of friendship, or in pacts of collective security. For this reason it seeks, and will seek even more as time goes on, to ensure its interests by means of widening its sphere of influence in Europe, in the territory which separates Russia from Germany and Italy. Recognition by other powers of Russia's right to control these territories is the first aim of Soviet foreign policy in the last stage of the present war. In this war, the Soviet Government, as formerly, sees a combination of two ideas—the idea of defense as expressed in the so-called 'strategic frontiers,' and the idea of expansion of the socialist sphere in Europe. Herein lies the Soviet solution of the problem of Poland, Yugoslavia, Czechoslovakia, and Bulgaria, and next to them, of Rumania, Hungary, and Finland. At the same time, this program also presents a new modernized form of social revolution."

Undoubtedly many newspapers in this country will avail themselves of such conclusions and submit them to the American public as a most indisputable and authoritative presentation of Soviet Russia's foreign policy and its bearing on postwar European collaboration. It is for this reason that one regrets the publication of such statements at a time when an understanding between the governments of Soviet Russia and the United States has as yet not been effected, the Moscow and Teheran conferences notwithstanding.

Contrary to the easy and dramatic theories of commentators, pleaders, apologists, and critics, Mr. Dallin argues that there is a discernible continuity in Soviet foreign policy that is based on the hard facts of economic geography, population, and the rising nationalistic-patriotic spirit which permeates, now more than ever before, the Russian people as a whole. By now, however, it is also evident that the German invasion of Russia brought about a nationalistic cohesion of all the segments of the population unparalleled in Russian history during the past century.

In a sense, *Russia and Postwar Europe* is a continuation of the thesis outlined in the author's previous book, *Soviet Russia's Foreign Policy, 1939–1942*. As the author states, he has undertaken the task of rectifying the notorious statement made by Winston Churchill that "Soviet Russia's foreign policy is a riddle wrapped in a mystery inside an enigma." In this book Mr. Dallin succeeds to a greater degree than in his previous one in bringing his task to fruition.

The volume is a provocative story of momentous importance bearing on American-Soviet collaboration during the postwar period. It is folly to believe, however, that the Soviet government will be willing to effect

a firm alliance with the Western powers affecting the European scene to the exclusion of the Pacific area. Its failure to recognize this is one of the outstanding weaknesses of Mr. Dallin's book, as well as of his previous one.

CHARLES PRINCE.

Indiana University.

America, Russia, and the Communist Party in the Postwar World. By JOHN L. CHILDS AND GEORGE S. COUNTS. (New York: The John Day Company. 1943. Pp. 92. $1.25.)

Outlines of the Future; World Organization Emerging from the War. By HENRI BONNET. (Chicago: World Citizens Association. 1943. Pp. 128. $0.25.)

The first of these little books was published under the auspices of a commission of the American Federation of Teachers. That it deals with a fundamental and complex problem, none will deny. Intensely conscious of this fact, and naturally sympathetic with the objectives of social democracy, the authors have written a lucid, simple, and very excellent exposition of the question.

Russia, rather than Great Britain, is regarded as the future dominant power of Europe and Asia. Hence the importance of a better understanding between Russia and the United States. Although admittedly difficult, such an *entente* should not prove impossible of attainment. Brief but pertinent chapters are devoted to the Russian revolution, Communist ideology, and Soviet Russia's domestic and foreign policies. This portrayal of Russian backgrounds is vivid, and the characterizations are generally sound.

If the sections on reactions to the present war are less satisfactory, such must be expected. The argument is that the war has caused great changes in the policies and attitudes of both nations. Doubtless both countries, at least temporarily, have abandoned continentalism and isolation and put away certain cherished notions. Whether the United States, however, has permanently discarded imperialism and neutrality and set out on the highway to socialization, is by no means clear.

Despite increasing evidences of Russian-American collaboration, various obstacles remain. One unduly magnified by the authors is the American Communist party and its relation to Soviet leadership. With surprising inconsistency, they bracket that party with all totalitarian organizations and advocate the curtailment of its activities.

Proposals offered regarding the bases for a peace settlement and for future coöperation with Russia are suggestive and well-conceived. Such

a program may be within the limits of human wisdom. Failure to accomplish collaboration with Russia will make certain the third world war of the twentieth century.

In *Outlines of the Future*, Henri Bonnet continues hopefully his studies of international organization and coöperation among the United Nations. Surveying the agencies and machinery thus far developed, chiefly by the United States and Great Britain, he suggests how they could be extended during and after the war. The survey is informative, though necessarily rather legalistic and uncritical. Occasionally the author refers to some of the problems involved and makes helpful suggestions. His outlook is that of the conservative internationalist. Within the limits he sets forth, he has written a useful tract.

G. LEIGHTON LAFUZE.

University of Florida.

The Hidden Enemy; The German Threat to Post-War Peace. By HEINZ POL. (New York: Julian Messner, Inc. 1943. Pp. 281. $3.00.)

While we are awaiting announcement of the official policy of the Great Powers toward Germany, considerable numbers of German refugees have presented us with their own solutions of the German problem. *The German People versus Hitler*, *Will Germany Crack?*, *The Legacy of Nazism*, *Exit Prussia*, and many other books from the pens of former participants in the government or life of Weimar Germany have illuminated the complex and difficult subject of Germany. In this latest book by Heinz Pol, which he chooses to call *The Hidden Enemy*, attention is focused on the power and influence of the Pan Germans, the Nazis behind the Nazis, as the author calls them.

Mr. Pol's qualifications to discuss this important subject are based upon his experience as a newspaper man in Germany attached to the *Vossische Zeitung*, to his acquaintance with Maximilian Harden, and to his very extensive study of the Pan German movement, in part through the use of Harden's library of material on that subject. He has succeeded in presenting a very stimulating, even a disturbing, discussion of the powerful, hidden forces which have driven Germany along the path of death and destruction.

The author presents the history and program of the Pan German League and explains the assumptions on which Pan Germanism has always rested. He states the theory of Pan Germanism and points out the many variations from it. He also emphasizes the influence of one Heinrich Class, president of the Pan German League, whose book called *If I Were Kaiser*, published in 1913, Mr. Pol contends, "proves beyond any shadow of a doubt that the principles of Nazism as laid down in *Mein Kampf*

are only imitations of the Pan German originals." According to the author, the Pan Germans dominated the Kaiser, the old Conservatives, the National Liberals, the steel men, and eventually the Nazis. They also "supplied the framework for the rather haphazard aggressive plans of the General Staff." This seems to me to exaggerate their importance.

Many of Mr. Pol's explanations of interconnecting German influences are important. His emphasis on the army is particularly good. "The army," he writes, "has been the backbone of every German régime, under Wilhelm, Weimar, and Hitler; but the backbone of the army and the Navy was and is Krupp." He explains, in turn, how Big Business has underwritten the activities of the Pan Germans. Hitler's recognition of the dominating influence of the army, Mr. Pol underlines by quoting Hitler's speech in 1934, when he said: "The army alone has made possible the success of our work." "Hitler," writes Mr. Pol, "is not the creator but the creature of the German army."

Other interesting points about Germany are raised throughout the book, not the least of which are the author's observations about the inadequacies of the German educational system. But the climax comes in a final, brief chapter where the author calls for "the physical destruction" of not merely the upper crust of the Nazi party and governmental hierarchy, but also of about 150,000 to 200,000 "intermediate" officials of the Gestapo, the Labor Front, etc. He would also segregate and keep under surveillance the millions of members of the Nazi party and deprive them of the right to vote. He would dissolve the officers corps and the police, expropriate the Junkers and other large landowners, reorganize the judiciary, the schools, and the universities, and eliminate all persons who carried on cultural propaganda before 1933. He would also nationalize the key industries.

But who is to carry out this purge of the master race? The Germans, answers Mr. Pol. "This purge will be one of those debts which the German people must settle." Therefore Germany, he thinks, should not be destroyed, but should be made to function normally so that it will not disturb the world.

The book is poorly organized and written. Its plan is neither chronological nor topical. It exaggerates and over-simplifies. But it is very stimulating and suggestive. Its castigation of the Pan German idea and plans would have been more helpful if written by the author in the *Voss* during the days of the Republic. But it is helpful now to have Pan Germanism and the powerful place of the military in Germany reëmphasized by a former German who has acquired a better perspective in the free atmosphere of America.

JAMES K. POLLOCK.

University of Michigan.

The Fighting French. By Raoul Aglion. (New York: Henry Holt and Company. 1943. Pp. 315. $3.00.)

M. Aglion is a staff member of the French National Committee's Foreign Office, and the publishers have displayed optimism about his book by affixing on the reverse side of the title-page "First Printing." There is "drama" in the breezy journalistic account which deals mainly with the successes of General de Gaulle's movement in the French colonies. For example, Aglion tells us: "On June 16 [1940], the old France died .... On June 18, however, as nearly as any single event was responsible, France was reborn ... General de Gaulle's appeal [over the B.B.C.] was the great awakener ... " (p. 10). Also (p. 58): "By force of circumstance [on June 18, 1940], a single man was trustee of the conscience of France."

A fundamental difficulty is that the subject of the book is not defined. What is meant by "Fighting French"? De Gaulle's *mouvement*? All French *résistance* to the Germans? At one place (p. 51), Aglion tells us that the *mouvement* "lives imperishable in the heart of every true son and daughter of France ...." This lack of clarity could be a matter of loose thinking or one of design. The anecdotes in Sections 5, 13, 14, and 15, as well as the texts of the "Protest to Pétain and Laval from Jeanneney and Herriot" [from which many words are missing], (pp. 302–303), and the "Protest to Pétain from Professor Basdevant" (p. 304), might be taken by some readers as additional signs of the glory of de Gaulle. To the reviewer, they have another and different significance, as does the letter of General Giraud to his children, written "In Captivity" at Koenigstein (pp. 76–77).

The trusteeship of the conscience of France would appear to be the exclusive possession of no single one of her many sons. If the book is meant to portray de Gaulle's Fighting French *mouvement*, it has important limitations that accompany these excrescences. There is little information on the movement's finances. Its relations to British and American governments, particularly to the latter, are left largely to guesswork. Nor do we get much light on the movement's relation to the "brave men, living and dead," who struggled inside France itself. To conclude this review of Aglion's *book*—not of the *mouvement*—regret might be expressed at its lack of historical depth, and at the absence of supporting references.

J. G. Heinberg.

University of Missouri.

Argentine Constitutional Law. By Santos P. Amadeo. (New York: Columbia University Press. 1943. Pp. x, 243. $3.00.)

Santos P. Amadeo is a professor of political science and law in the University of Puerto Rico. A few years ago, he received a fellowship from

the Guggenheim Foundation to enable him to visit Argentina and make a study of Argentine constitutional law, with special emphasis on its development as influenced by the constitutional law of the United States. Now he has published the results of his research in a thin but meaty volume, which should receive a hearty welcome from all students of Latin-American government.

The introductory chapter is a brief sketch of early Argentine constitutional history, and this is followed by a concise analysis of the forces underlying the formation of the constitution of 1853. Then, at greater length, the author considers the Argentine judicial system—the organization and jurisdiction of the federal courts—and the doctrine of judicial review. His conclusions are not particularly novel, but they rest upon a substantial basis—numerous well-chosen citations from the decisions of the nation's supreme court.

Part Two is entitled: "The Division of Powers in the Federal System." First comes an analysis of federal-provincial relationships. Emphasis is placed, quite properly, on intervention—that amazing device by which the national government practically makes itself the guarantor of the honesty of provincial elections and the efficiency of provincial administration, only to destroy, at times, both honesty and efficiency.

There is a brief but enlightening discussion of intergovernmental tax immunities, and then the author turns to a consideration of inter-provincial relationships. He skims lightly over this important subject, and many readers will doubtless wish that he had examined it more intensively. But they must admit that no other writer in English has said so much about Argentine inter-provincial relationships, or said it so well.

The two chapters dealing, respectively, with the powers of the national government and the powers of the provinces provide a good summary of the jurisprudence relating to the constitutional distribution of powers. As usual, Professor Amadeo bears in mind the opinions of the Supreme Court of the United States, and contrasts them with the decisions of Argentina's highest tribunal. The parallel is close, because the Argentine supreme court pays respectful—though by no means subservient—attention to the judicial pronouncements of its northern neighbor.

The final section of the book is entitled "Protection of the Individual." It deals with this broad subject under three main chapter heads: "Criminal Procedure"; "Personal Freedom and Liberty of the Mind"; and "Economic Interests." The Argentine constitution devotes considerable space to the enumeration of individual rights such as trial by jury (a guarantee which Congress has refused to implement with necessary supporting legislation), freedom of the press (which virtually disappeared under the Ramírez government), and freedom of worship (which has not prevented the establishment of a state religion). Professor Amadeo is very much concerned about the opinions of the supreme court as to the exact

meaning of these various guarantees—what they include and when they apply. He cites supreme court cases by the score. But he is less interested in determining what protection is actually afforded by the constitution and the supporting laws.

In fact, the one major criticism of the entire volume is that it tends to divorce constitutional theory from reality. It seldom probes behind the words of the Argentine supreme court to learn whether they coincide with the facts. Thus in discussing the method of selecting the chief justice of the highest court, it makes the bald assertion that "the practice by which the president appointed the chief justice was abandoned in 1930 when the supreme court itself assumed the power of appointing its chief justice," and cites a supreme court resolution in support of this statement (p. 52). The highest tribunal did in fact adopt a resolution solemnly asserting its power to name its own presiding officer, but shortly afterwards the president of the nation ignored this resolution and made his own appointment. It happened that he named the very person already chosen by the supreme court, so a conflict was avoided. But it can scarcely be said, with accuracy, that the practice of presidential appointment has been abandoned.

Professor Amadeo's preoccupation with theory has caused him to make other misleading statements also, such as his assertion that "direct taxes have seldom been imposed by Congress, and the field of direct taxation has been left to the provincial legislatures . . . " (p. 132). He correctly cites the constitutional limitation on direct taxes, and further supports his position with a reference to a work on constitutional law published by a distinguished Argentine jurist in 1931 (one year before the income tax became an established part of the federal revenue system). But he never indicates that the constitutional limitation is a dead letter; in fact, he refers to the income tax only indirectly, and in a preceding chapter (p. 101).

The volume concludes with a five-page summary, a two-page bibliography, a thirteen-page table of cases (including both Argentine and American decisions), and a seven-page index. The author's style is clear, and the entire volume bears evidence of careful workmanship. It may not be the last word on Argentine constitutional law, but in all probability it will stand as the accepted authority for a number of years.

AUSTIN F. MACDONALD.

University of California.

El Federalista. TRANSLATION AND INTRODUCTION BY LIC. GUSTAVO R. VELASCO. (México, D.F.: Fondo de Cultura Económica. 1943. Pp. xxvi, 446.)

In 1840, a Portuguese edition of *The Federalist* appeared in Rio. This was followed by two Spanish editions published in Buenos Aires, the

first in 1868 by J. M. Cantilo, the second by Dr. Ildefonso Isla in 1887. All appear to have been published in very limited editions, as copies are rarely accessible either in Latin America or in this country. Consequently, this American classic, like so many features of the life and culture of the *Norteamericanos*, continued to be known to our Latin American neighbors primarily through the earlier French editions. The appearance of this Mexican edition is thus an important event, and we should be complimented that this Yankee treatise has been included by the Fondo de Cultura Econômica in its series of political science classics published under the editorship of Sr. Manuel Pedroso.[1] The Fund made a happy choice of translator in Lic. Velasco, a leading attorney of Mexico City and professor of administrative law at that capital's remarkable Escuela Libre de Derecho, who is thoroughly acquainted not only with our language but with our history and institutions as well. The translation thus escapes most of the pitfalls that so unceremoniously duck the linguist who has ventured beyond his depth.

The introduction makes no effort to belittle the shortcomings of the original text, written in such haste that lack of organization and frequent repetition would have been inevitable even had there been but one author instead of three, nor to over-emphasize the quite minor rôle that these articles played in the struggle to secure the adoption of the Constitution, even in the state of New York. The translator's justification for presenting this book to the Latin American public is not its historical importance, but its contemporary value as a key to the understanding of a political system that most Latin American countries have attempted, at least in part, to imitate, and as a refreshing defense and exposition of a way of life that today struggles successfully against a challenge from "a form of absolutism one hundred times worse than that which was defeated twenty-five years ago" (p. xxiii). The problems that the principles championed by *The Federalist* attempted to solve, we are told, "are as serious and vital today as in the epoque in which the Constitution of the United States was born" (p. xxvi) and as urgent to the Latin as to the Anglo-Saxon American.

In addition to stating the translator's views on the importance of *The Federalist*, the introduction summarizes the conditions that led to the writing of the treatise, and gives brief biographical sketches of Hamilton, Madison, and Jay.

J. A. C. GRANT.

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[1] Previously published translations include Hobbes' *Leviathan*, Locke's *Essay on Civil Government*, Milton's *Aeropagitica*, More's *Utopia*, and a selection of Burke's political writings.

La Pensée Politique du President Getulio Vargas. Compiled by Hans Klinghoffer. (Rio de Janeiro: Impresa Nacional. 1942. Pp. 593.)

While God's mills grind slowly and exceedingly small, the apposite installations of the Brazilian government work even somewhat slower; but the size of the product is respectable. It was only a few weeks ago that this writer received a copy of this handsome book, sent to him by the Brazilian Department of Press and Propaganda, the famous D.I.P. No card with compliments was attached, a fact which the addressee did not fail to understand, since the D.I.P. prohibited sale and circulation in Brazil of his own effort to describe objectively what he had seen of Vargas' *Estado Novo,* in his book *Brazil Under Vargas* (New York, 1942). But he did not look the gift horse in the mouth, well aware of the subtle ways employed by the D.I.P. to make him familiar with the officially approved report on the Vargas régime.

As the preface indicates, the volume is written "with the efficient help of this High Brazilian Administration" by Dr. Hans Klinghoffer. The material is taken from the official publication of Vargas' public addresses from 1930 to 1942, which by now must fill a score of stately volumes. The compiler has undertaken the valuable and praiseworthy task of bringing this prodigious output of state oratory into a logical system; and, thanks to the "unity and homogeneity" of the "political ideology" of "the glorious government of this great statesman," he is able to present a complete and exhaustive panorama of Brazil today. The "political ideology" is grouped in fifteen sections, among which are: The Art of Governing; Brazilian History; The New State; Organization of Public Powers; Economic Life; Capital and Labor; Demographic Problems; Education; National Defense; The Enemies of the Nation; and International Life.

Since no other living being ever has waded through the flood of speeches of a robust orator and formidable producer of governmental externalization, we have now at our disposal authentic statements on practically all aspects of the Vargas state, a sort of *Mein Kampf* in reverse. But it would be unfair to drive the parallel further, since Vargas, even if his ghost writers remain anonymous, as they should, has sound opinions on many subjects. The volume reflects the mature political experience of twelve years of power, during which Brazil has made immense strides forward. It is obvious, however, that authoritarian semantics have to be properly appreciated. When Dr. Klinghoffer says (p. 157): "The essential characteristic of democracy consists not in a rigid formula but in flexibility which permits it to adjust itself to new conditions," nobody would argue except that his and our concepts of democracy differ. More objectionable is the statement (p. 158): "The régime instituted on November 10, 1937, is democratic; the essential elements of the democratic system

are maintained; its republican and presidential form remain in force." The oracle indulges here, as every quick-witted Brazilian knows, in a *jeu des mots*. Republican government need not be democratic, and the representative *character* of a state is expressed by representative *institutions*, which are conspicuous by their absence. But on many less controversial subjects the reader will find valuable information on the wide range of what the government has accomplished for the country. After all, an authoritarian government professes to be judged by its deeds and not only by its words.

There remains one more point, even if of minor interest. Who is the compiler, ardent admirer of Vargas that he is, and unenviable performer of this laborious task? This writer's memory was refreshed by a bit of research. A young Austrian lawyer by the name of Hans Klinghoffer had begun to earn his spurs before 1933 with solid papers on such subjects as the parliamentary form of democracy and the referendum in the democratic state, in German and Austrian law journals and, of all places, in the official organ of German pacifism, the *Friedenswarte*. Query: Why this transmutation of the democratic Paulus into the authoritarian Saulus?

KARL LOEWENSTEIN.

Amherst College.

Collective Security; The How and Why. By JOSEPH H. BALL. (Boston: World Peace Foundation. 1943. Pp. v, 63. $0.50.)

Can We Win the Peace? By D. F. FLEMING. (Nashville: The Broadman Press. 1943. Pp. 112.)

Amid the abundance of undocumented literature now appearing on the problems of the peace, the two publications listed above are distinctly of the better and the worth-while type. They stand out as real contributions to our thinking on postwar subjects, among many authors who assume that anyone these days is an authority in the international, political, and legal fields.

The first book is the result of extended journalistic experience, together with considerable political experience. The author of the Senate Resolution which has offered the most constructive peace program to the American people has, in a brief volume, set forth his views on the major international problems of the hour.

In Part I, "The Why," he deals with the issues in this war; with the fallacy of winning the war first and constructing the peace afterwards and with the equally fallacious tendency to over-complicate the problem of peace; with democracy's stake in collective security; and with America's stake also. In Part II, "The How," Senator Ball presents the case of alliances versus organization, defines the minimum international authority necessary to maintain peace, argues for action now by the United States,

analyzes Senate Resolution 114, and finally mentions related problems, as trade, food, and dependencies.

It is true that the Senate Resolution committing that body to international organization and to definite measures to deal with aggression does not bear Senator Ball's name. Nevertheless, his own resolution, sponsored also by Senators Hill, Hatch, and Burton, did much, along with the provisions of the Moscow Declaration, to prevent the formal action of the Senate from being another "pious gesture." This book sets forth the author's interpretation of his Resolution. He wisely limits himself to the major problem before the world—the prevention of future wars and of future aggression by means of a system of collective security. The right to wage aggressive warfare is the only sovereign right which must be renounced. The only sovereign obligation to be assumed is to join in collective action against aggression, whether actual or threatened. The simplicity, directness, and frankness of approach affords a welcome relief from much of the "peace literature" of our day, overweighted as it is with legal jargon and other ponderous language.

The second volume is by a leading scholar on the history of America's relations to world organization, and on the rôle of the Senate in treaty-making. Four lectures given before the Southern Baptist Theological Seminary are here reproduced under the titles: "Shall We Lose the Peace Again?"; "Can We Create a Workable Economic Democracy?"; "Ways Out of War," and "Steps Toward Peace."

Three irresistible world trends, declares Dr. Fleming, are (1) the control of the world by those who control air power, (2) the economic unification of the world, and (3) the tide of economic democracy. As regards the first, isolationist politicians and a reactionary Senate minority must not be allowed to interfere with essential organization and control, and with necessary American participation. As regards the second, the resources of the world must be open to all, which is the best answer to any nation's dream of *lebensraum*. As regards the third, democracy must and will mean the right of all to have a say, not alone in government, but in industry and matters of property as well, including the right to enjoy the fruits of the economic order.

Among the "musts" of the world order to come, Dr. Fleming lists a world federation strong enough to keep the peace; coöperation of the English-speaking world, China, and Russia as the foundation of that order; the right of all states to their legitimate stake in the new order; the necessity of providing for peaceful change and of repressing aggression; and the permanency of the future world organization.

The ways out of war are said to be unconditional surrender; the just punishment of the guilty; legitimate German repair of war damage without repeating the Reparations fiasco of the last war; the reëducation of

the enemy; the wise determination of boundary and territorial questions; the adoption of a constructive attitude toward different political and economic systems; taking advantage of the lessons of the League of Nations; and a proper handling of the problems of power and responsibility.

In the final chapter the author stresses the obstacles which stand in the way of a stable peace. They are, among others, high tariffs, the danger of terminating lend-lease, imperialism, racial bigotry, a revived fascism, a threatened balance of power, and the short time remaining to organize the United States into a permanent force for peace.

The wide scope of the subjects and the paucity of space give an occasional appearance of a hortatory rather than an experienced approach to the problem. But this is only an appearance. No important subject is omitted, and all are treated comprehensively and soundly, even though briefly.

The importance of both books is not lessened because of their brevity and timeliness. Doubtless they will form a part of what will become the "Federalist Papers of the Peace," and will occupy a respectable and authoritative place among them.

CHARLES E. MARTIN.

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Trading with the Enemy in World War II. BY MARTIN DOMKE. (New York: Central Book Company. 1943. Pp. xv, 640. $10.00.)

This volume represents an important contribution to the literature on techniques and legal aspects of economic warfare. The extent of the problem, from the point of view of the United States, appears from the fact that in the First World War the public agency took into custody property to the value of half a billion dollars, while in the present one blocking measures apply to assets valued at more than seven billions (p. 253). With a wealth of citation, Dr. Domke offers a comparative study of national law provisions, particularly those in the United States, Germany, Great Britain, France, and the governments-in-exile. He shows that the principal Allies, having first used "freezing" controls as defensive weapons, eventually found in them important offensive weapons (pp. 38, 297, 321).

The student of government, as well as the practicing lawyer, will find in the volume much instructive material. There are frequent references (as at pp. 4, 46, 145, 263, 297, 381) to the "ever-changing" conditions which attend economic warfare. Of importance is what one court described as "a realistic regard for the speed and hazards of lightning war" (p. 113). The author stresses the far-reaching nature of action which public authorities may take (even, for example, as to property of resident American citizens), the tendency toward greater flexibility in adapting

measures to new situations, and the trend toward dependence upon administrative determinations, as distinct from purely judicial ones. Giving attention both to the criteria for determining enemy character and the devices used against the property brought within this description, he suggests that distinctions based upon nationality (merely) "vanished with the changes in ideological concepts which led to this war" (p. 112). Old concepts of "enemy," "ally of enemy," and "legal title" in an enemy, he thinks have become outmoded (pp. 263, 371). He notes some uncertainty as to the constitutionality of the Trading with the Enemy Act, particularly its provisions concerning remedies (p. 262). He mentions certain legislation of the states of the American Union as figuring in connection with the work of the Alien Property Custodian and in reciprocity concessions to nationals of foreign countries (pp. 143, 316). Looking forward to the final international settlement of public questions relating to property, the author envisages in a general way new forms and new systems of legal and economic settlement.

In his chapter on "Patents, Trademarks, and Copyrights," Dr. Domke draws attention to the fact that multilateral treaties on these subjects were not abrogated by the outbreak of war. He observes that the final policy of the United States on these matters has yet to be determined by Congress. The economic significance of measures taken has not, in general, been the subject of his inquiry. Many of the questions raised relate to the conflict of laws or to public international law. In connection with the latter, there will doubtless be considerable disagreement with the statement, unless it be somewhat modified, that "international law . . . permits property of alien enemies to be seized without due process and converted to public use without compensation" (pp. 269, 294).

There is definite value in such a careful technical study made even during the war, when the record of action and decisions is necessarily incomplete. The usefulness of the present volume is increased by the inclusion of the text of the United States Trading with the Enemy Act as amended prior to May 1, 1943, texts of similar legislation in Great Britain and in some of the Dominions, and texts of the more important orders and rulings in the United States. There is a table of statutes and regulations, a table of cases, and a subject-index comprising sixty-three pages.

ROBERT R. WILSON.

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Studies in Government and International Law. BY JAMES WILFORD GARNER. EDITED BY JOHN A. FAIRLIE. (Urbana: University of Illinois Press. 1943. Pp. viii, 574. $7.50.)

"This volume," says Professor Fairlie, "has been prepared to bring together and make more accessible a selection of Professor Garner's extensive publications (other than his major works), on a wide variety

of topics in the major fields of government and international law, and as a memorial of his important contributions in these fields, and of his services in the development of the department of political science at the University of Illinois for a period of thirty-four years." A short biography, very appropriately including an account of the development of political science at the University, is followed by a twelve-page list of Professor Garner's publications. The bulk of the collection comprises reprints of eleven studies in government and seventeen studies in international law, published between 1901 and 1938.

James W. Garner was a professor of political science in the grand style, the style of the "publicist." One catches something of the tradition of Francis Lieber, to whom every public question was an invitation to systematic analysis with a view to suggesting practical improvements. This was easier in the years before the First World War, when for Americans the greatest questions of politics and government seemed settled, and a publicist might properly limit himself to the consideration of mechanisms and methods. Some earlier studies such as those on "Crime and Judicial Inefficiency" (1907), "Executive Participation in Legislation as a Means of Increasing Legislative Efficiency" (1914), and "Administrative Reform in France" (1919) reflect such a mood.

World War I caused Garner to turn almost his whole attention to international law, as a means of world salvation. The lad born in later Reconstruction days in Mississippi had reason to detest the devastation of war and its legacies which he had described so well in his earliest writing. With a great zeal for righteousness, he set himself the task of pointing out the unpostponable need for better international law and institutions—a need, however, which was always demonstrated by a thorough examination of detail. What was the principle? Whence had it come? How had it worked? What were the pitfalls? How reform it for the future? How give it life in institutions? General and technical problems alike are dealt with in such essays reprinted here as "The Study of International Law in the Countries of America" (1917), "Responsibility of States for Injuries Suffered by Foreigners within Their Territories on Account of Mob Violence, Riots, and Insurrections" (1927), "International Regulations of Air Warfare" (1932), and "*Les Lois de la Guerre, leur Valeur, leur Avenir*" (1930).

No printed page can do justice, however, to Garner the evangel. Basing his views firmly upon human experience, he preached that justice is the greatest need and the loftiest aspiration of man. Although time pressed him, few students could have left his lecture-room or hospitable fireside without refreshed allegiance to a better world.

LLEWELLYN PFANKUCHEN.

University of Wisconsin.

A Professor at Large. By Stephen P. Duggan. (New York: The Macmillan Company. 1943. Pp. xviii, 468. $3.50.)

The new world order for which men today work and die must rest finally upon mutual understanding and respect on the part of the people of all nations. This will not be achieved by legislation or treaties or even by war, but by a vastly increased and deliberate program of international education based in large measure upon principles similar to those which have guided the Institute of International Education. Such a program, however, can no longer rely upon the limited and accidentally available resources of private donors. It must be openly supported and sponsored by public authority. Nor can it be limited to the necessarily small and select audiences reached by the Institute and similar private agencies. It must rather be attuned to the conditions and needs of mass education.

The rich experience of the Institute and of America's self-styled "Professor at Large" in directing one of the more important international educational projects of the interwar period should be carefully studied in making any future plans. Few Americans have been privileged to be as close as Dr. Duggan to the development of organized efforts to increase public concern for and interest in international affairs. As director of the Institute, he has been in the midst of the host of activities which sprang up immediately following the First World War. The United States had attained recognition throughout the world for its part in the winning of the war, but many of its citizens knew that it would not live up to its responsibilities without an increase in public understanding of international affairs. Dr. Duggan worked intimately with most of these groups and was a member of many, as his first two chapters narrate.

Because he so vigorously personified the underlying philosophy of the Institute, Dr. Duggan was in large measure responsible for the world-wide recognition of United States interest in the exchange of students and scholars. His own travels were an essential part of the Institute's important program of furthering international understanding by cultural interchanges. The bulk of the volume consists of personal impressions of the mutual influence between various countries and the United States. The comments are revealing both of the fundamental problems faced in this kind of program and of the understanding of the Director.

Walter H. C. Laves.

U. S. Bureau of the Budget.

BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

The scope of *Wartime Government in Operation* (The Blakiston Co., 1943, pp. 109, $1.50), by W. H. Nicholls and John A. Vieg, is somewhat

narrower than the title indicates. The authors, an agricultural economist and a political scientist, have collaborated in an essay on the wartime management of food and labor problems in this country, their principal objective being "an examination of the governmental process itself in order to see more clearly the governmental factors behind the wartime manpower and food programs and the changes that might lead to improvement." After summarizing the development of labor policies, the authors go "Behind the Wartime Labor Programs" (Chapter 3) to show that control of labor has been treated as primarily a matter for the executive, that there has been lack of clear-cut authority in the administrative agencies, and that because of the dominance of pro-labor representatives in the House and Senate Labor Committees, Congress has been unable to take positive leadership in this field. With respect to food production and price control, Congress has had the initiative, but by its insistence on the "parity" formula has hampered the development of a satisfactory wartime program. Behind the wartime food program is the predominance of rural interests in Congress, especially in the Agriculture Committees. The result of this "polarization of the labor policy in the Executive branch and of farm and food policy in the Congressional branch" is that Congress is subject to the pressures of special interests without possessing the leadership within itself to subordinate them to the national interest. The President has been put in the position of appearing to favor one special-interest group, organized labor, and so has lost his potential position as representative of the general public interest. The authors urge an attenpt on both sides to coöperate so that major policy decisions should be their joint product. As an aid to this, they recommend that the Office of War Mobilization be more active in preventing administrative confusion and that Congress establish a Joint Committee on the Conduct of the War to furnish more definite liaison with the executive.—DAVID O. WALTER.

In *Lend-Lease, Weapon for Victory* (Macmillan Co., 1943, pp. xiv, 358, $3.00.), the former Lend-Lease Administrator, Edward R. Stettinius, Jr., tells the story of lend-lease from its beginnings in the arms transactions with Great Britain after Dunkirk and the destroyer-for-bases deal through the enactment of the lend-lease law and its administration to near the end of 1943. As suggested by the title, this is not a critical study of lend-lease, but a record of its accomplishment as an instrument of victory. It is intended for the layman, and the pages are interspersed with photographs and graphic presentations. Its value lies in the occasional touches in which personal experiences of the author are related, and in the fact that it brings together in a single volume the various aspects of lend-lease. The legal questions in the destroyer deal are met by a sum-

mary of the argument of Attorney-General Jackson and the statement of the President; legal aspects of the lend-lease act are treated almost as simply; and one could not well expect a severe criticism of lend-lease administration. Neither can there well be at this time a full catalogue of lend-lease materials with amounts for each area. However, the history of material aid, told in its relationship to events, makes a dramatic story. There are sections on aid to the British, the Chinese, the Russians, and the undefeated of the invaded countries. Some stress is laid on reverse lend-lease, and the fact that British aid includes services such as transportation and convoy protection, as well as the transfer of large amounts of tangible goods. It is emphasized that the reciprocal aid of the Allied Nations is a contribution to the common effort rather than a business deal. The Lend-Lease Act, the Russian Master Lend-Lease Agreement, and the Reciprocal Aid Agreement with the United Kingdom are appended.—W. REED WEST.

Robert S. Ford and Marvin A. Bacon, in *Michigan Highway Finance* (Bureau of Government, University of Michigan, 1943, pp. viii, 191, $0.75), relate the familiar story of the development of a state highway system, with particular emphasis on fiscal policy. In this case, the state is Michigan, but in general outline it might be almost any other state. Here we see the evolution from a few scattered and unimproved roads to a highway system embracing more than one hundred thousand miles, of which nearly ten thousand miles are classified as "state trunk lines," and all forming, in a sense, a part of a national highway system; an evolution in finance from the construction and maintenance of highways largely by labor performed in lieu of the payment of taxes to the expenditure of more than one hundred million dollars for construction and maintenance in a single year; and from a system of county and township responsibility for both support and administration to a more or less integrated system in which the local, state, and national governments all participate. Similarly, the story is told of the attempts to arrive at an equitable apportionment of highway costs, not only as between the different levels of government, but also as between users and other beneficiaries of the highways. Thus we find a gradual diminution of the share of the burden borne by statute labor, by property tax levies, and by special assessments, along with corresponding increases in the share borne by motor vehicle owners through the payment of gasoline taxes and motor vehicle registration fees (mileage taxes). Consideration is given also to the search for an equitable allocation of costs to different classes of vehicles, such as passenger cars, busses, and trucks of different weights and capacities, in an attempt to relate registration fees for such vehicles to the costs occasioned by their use of the highways. This study is No. 12 in a series of governmental

studies conducted by the Bureau of Government of the University of Michigan, and it maintains the high level of competence in research and objectivity in presentation which has been established by previous publications in the series.—ROGER V. SHUMATE.

Casimir W. Ruskowski's publication, *The Constitutional Governor* (Boston: Bruce Humphries, Inc., 1943, pp. 61, $2.00) is a compilation of the provisions of the several state constitutions relating to the office of governor. In addition to the brief text, the study presents a series of ten charts in which the author has attempted, for the purpose of comparison, to reduce these provisions to tabular form. An examination of the text and charts reveals in the case of Michigan several inaccurate, or at least incomplete, statements of fact. Michigan is not included among those states which provide for popular recall (p. 32). Chart VI (pp. 34–35) is incomplete in that (1) the governor of Michigan calls special sessions of the legislature by proclamation, (2) the legislature is limited by the proclamation or by subsequent messages, (3) the governor shall inform the legislature on "the condition of the state," and (4) he shall" recommend such measures as he may deem expedient." Further, the text is inaccurate, incomplete, and confusing in reporting the removal powers of the governor in Michigan (pp. 46–51). In short, the study provides a sketchy, incomplete, and in part inaccurate, portrayal of the "constitutional governor" in this state. I have not checked the provisions of any other state. The author's commentary is limited both in scope and in usefulness. "The work," the author says, "is not footnoted or annotated. The constitutions of the various states are easily available in any good library, and especially in a good law library" (p. 14). A short but revealing bibliography is appended. This bibliography (averaging a little over two items for each state) is in two parts: revised, compiled, etc., laws of the several states, and "pamphlet publications." Of these items, many are presented without publication dates; forty-one carry publication dates of 1933 and earlier; and only seventeen bear evidence of publication later than 1938.—HAROLD M. DORR.

Perennially one hears criticism of alleged governmental extravagance in the printing and distribution of documentary materials. In *The United States Government as Publisher* (University of Chicago Press, 1943, pp. xv, 179, $2.00), Leroy Charles Merritt presents in general outline the facts regarding publication operations of the federal government over the period from 1900 to 1940. He has analyzed selected issues of the *Monthly Catalogue* of the Government Printing Office through this period, and has tabulated the items therein as to issuing agency, subject-matter, and purpose. From these statistical materials the author draws some

interesting and enlightening conclusions regarding trends and developments in publication policy. Methods of distribution are also surveyed briefly, and criticized. A salient point revealed is that, while total governmental printing costs rose from about four million dollars in 1900 to twenty millions in 1940, expenditures for printing now constitute only about one-fourth of one per cent of the total operating costs as compared with nearly one per cent in 1900. The author seems to feel that, on the whole, too little rather than too much is being done by the government in this field, in view of its responsibilities for informing the public adequately concerning its operations and for making available to those interested the results of its research.—J. E. KALLENBACH.

The American Story of Industrial and Labor Relations (N. Y. State Joint Legislative Committee on Industrial Relations, 1943, pp. xx, 315, $1.50) is noteworthy for its source as well as its purpose and achievement. Publication of a high school text-book in industrial relations by a state legislative committee is somewhat of a novelty. However, the New York "Ives Committee" saw it as part of its job, believing that legislation and administration in the field of industrial relations cannot "rest on stable and lasting foundations" unless all citizens, "young and old alike, both workers and employers . . . share a common understanding of the true character of these relations." The text uses the historical approach; describing the gradual industrialization of America, it shows how the growth of a wage-earning class gave rise inevitably to the many problems of labor organization, labor relations, and labor law. The book appears the best attempt to date to make labor law comprehensible and significant to high school students. However, it is close packed and by no means easy reading. A very competent teacher, well grounded in the subject, with plenty of class-time for amplifying and discussing the text, will certainly be needed in order to get this material "across." Labor relations are now immensely important in the lives of a large proportion of the citizens of many states. Hence it seems highly desirable that a place be found in the high school curriculum for the careful study of such a text as this. The special New York data included need not detract from its usefulness elsewhere. Rather, New York laws can be used for valuable comparison with the laws of the home state.—ELIZABETH BRANDEIS.

In *Race and Rumors of Race* (University of North Carolina Press, 1943, pp. x, 245, $2.00), Professor Howard W. Odum, the South's most eminent sociologist, discusses his region's most acute social problem with rich sympathy and understanding. This study is based on a wide survey of rumors and incidents that appeared in the South from July to July, 1942–43. It is thus a new inventory, taking a clear account of the impact

of the war upon race relations. It differentiates between actual happenings and false rumors of happenings, but also portrays the reality of tensions which gave rise to the rumors. Attention is given to the social attitudes of Negroes, Southern whites, and Northern whites, with an abundance of illustrative detail gathered from a mass of verified reports. Attention is given to the press, including Negro papers, and to the forces of education. Significant Southern conferences on race relations in wartime are passed in review. The author is in the center of these activities, and knows whereof he speaks. He writes with a combination of balance, warmth, and liveliness. He offers no sure solutions. As to the way out, he is interested ". . . in the search for the correct answers . . . through scientific and coöperative endeavor . . . ." He takes the reader for an exploratory and hortatory journey on winged words.—H. CLARENCE NIXON.

A Guide to Published Data for Cities of the United States (Bloomington, Indiana, Bureau of Governmental Research, Indiana University, 1943, pp. 48), by Pressly S. Sikes, and a second edition of Clarence E. Ridley's and Herbert A. Simon's *Measuring Municipal Activities* (Chicago, International City Manager's Association, pp. xiv, 75, $2.00) have appeared. The latter reviews progress in measurement studies and refers to the literature which has been published since the first edition in 1938. An excellent eight-page bibliography lists the studies which have been issued in the last five years. In the main, the study is a republication of the earlier edition. Following an introduction and two excellent chapters on measurement techniques, eleven major municipal functions are selected for special attention. The value of measurement studies for the policy-determining agencies of government, or even for citizens' organizations, is not overlooked by the authors, who remind us that "service adequacy is distinctly a policy decision . . . and since it involves social and political values as well as technical considerations, it is not a decision which can be delegated solely to the chief administrator." Professor Sikes hopes his guide will assist in locating the source of published statistical data on virtually any municipal subject of national interest. It will call to the attention of research students material which should be consulted.—S. GALE LOWRIE.

The Public Administration Review has presented another pamphlet designed to guide municipal thinking and planning by local officials and "home-folk." In *Action for Cities; A Guide to Community Planning* (Public Administration Service, 1943, pp. 77), a guide to community planning is presented. The publication tells of work that undoubtedly would have been reported on by the National Resources Planning Board had Congress not decreed otherwise. The NRPB supplied the technical aid

to three cities—Corpus Christi, Texas; Salt Lake City, Utah; and Tacoma, Washington—which developed their own programs and recommendations for meeting the war and postwar situation. The topics suggested are the usual city planning topics. Procedures and methods are suggested for developing plans including the entire scope of community objectives. However, the pamphlet emphasizes a sound note. Its closing chapter calls for an analysis of responsibility for putting into effect any programs adopted. This matter of how to effectuate plans could be stressed even more without detracting from the value of suggestions on the formulation of those plans. The guide is not a manual or a textbook, but a topic outline of procedures that will help those whose interest has already been stimulated. The range of subject-matter covers the physical plant, over which a local community could exercise much control, as well as its economic future, over which the community has little to say.—THOMAS K. VASEY.

Almost equally with historians, students of American government will find it worth while to have at their elbow Clifford L. and Elizabeth H. Lord's *Historical Atlas of the United States* (Henry Holt and Co., 1944, pp. xviii, 253, $1.75). Some of the maps have appeared elsewhere, e.g., in the Census reports and in certain editions of the *Statistical Atlas of the United States*, but by far the greater portion have been specially prepared for the present publication. A general series depicting the country's physical features is followed by extensive historical sections devoted, respectively, to the colonial period, the period 1775–1865, and the period 1865–1941, with a final group of "world maps"; and among matters covered in some detail are the extension of suffrage, the ratification of constitutional amendments, the distribution of courts, the extension of highways and air-lines, and the status of child labor. One of the several appendices is devoted to the statistics of presidential elections, and there is a full index.—F.A.O.

FOREIGN GOVERNMENT AND POLITICS

In *Public Service Recruitment in Australia* (Melbourne University Press, 1943, pp. 296), Robert S. Parker presents a comprehensive analysis and appraisal of Australian methods and standards in civil service recruitment technique. Parts I and II, although essentially factual, are interspersed with critical comments and make available a wealth of data on the recruitment systems of both the Commonwealth and state services. In Part III, the author presents a summary of his criticisms and outlines constructive proposals for the improvement of recruitment procedure. Although he finds that for the most part the framework of a sound recruitment system has been established, he is also convinced that "within the framework of principles there is much room for refinement and im-

provement of technique; and outside that framework, it may be that new principles can be found to add to it." Most disconcerting to the author is the general apathy and complacency so widely prevalent among public service commissioners respecting existing recruitment practices. Manifestations of this attitude he finds in the reluctance to experiment, an unwillingness to explore and to study even the possibilities of improvement, the failure to adopt more progressive policies for the selection of administrators, and a total unawareness of the vital importance of psychology for recruitment. Since the Australian services are closely geared to the educational system (except at the university level), and are, therefore, largely at the mercy of that system, the study logically emphasizes a critical evaluation of the educational program of today in its relation to public service recruitment. The author's acute and intelligent analysis of this problem deserves the careful attention of those concerned with recruitment methods and those responsible for educational policies. A final chapter gives extended consideration to and makes a strong plea for an administrative *cadre*. In spite of its limitations, the recruitment system, he concedes, does fairly well in staffing the higher clerical and lower executive positions, but is definitely inadequate in providing personnel of superior quality for the higher administrative positions. After discarding the English method of staffing executive offices as unsuitable for Australia, the author outlines a series of schemes or procedures which he believes would in combination achieve his objective. Particular weaknesses to be overcome in the present system are the exclusion of persons with higher education from initial recruitment to the administrative branches of the services (except the Commonwealth service) and the fact that officers mostly have to go through the mill of routine work for years before attaining a position of responsibility. The proposals outlined aim to establish "a clearly-defined administrative *cadre*, whose members are protected from the stultifying effects of inappropriate work, but whose ranks are open to, and attractive of, the best available potential administrative talent from inside, and to a limited extent from outside, the service." Although the study closes in a pessimistic vein, the author's stimulating presentation should provoke thinking and action along progressive lines.—MARTIN L. FAUST.

The "Princeton Studies in History" start auspiciously with Dr. C. E. Black's *The Establishment of Constitutional Government in Bulgaria* (Princeton University Press, 1943, pp. x, 344, $3.75). Beyond giving an excellent historical account of an important period in Bulgarian history, the years 1878–1885, this volume is of importance for contemporary political thought in three different respects. First, it shows the problematical character of constitution-making according to abstract principles

instead of the distribution of social and political forces, upon which the vitality of the constitution will depend. The Bulgarians obtained a constitution which was regarded as the most liberal of its time, in the same way in which in 1919 Germany and Austria, and in 1931 Spain, created constitutions which were hailed as perfect from the point of view of abstract principles—but did not work. Second, the book illuminates the political consequences which result from the antagonism between a democratic popular movement and a conservative prince who owes his position as monarch, not to the will of the people, but to the decision of foreign dynasties. Finally, it sheds light upon the problems of a small nation which stands exposed to the conflicting aspirations of big powers. These are indeed timely problems, and the author deals with them in an often brilliant and always highly competent fashion. This is indeed an historical and political study of the first order.—HANS J. MORGENTHAU.

Compiled by the Chinese Ministry of Information, and edited by a board headed by Hollington K. Tong, the *China Handbook, 1937–1943* (American edition, Macmillan Co., 1944, pp. 876, lxxv, xv, $5.00) affords a comprehensive and extremely useful survey of major developments in China during six years of war. The original edition came off the press in India in 1943, and was flown to Chungking in time to make its appearance at the sixth anniversary of the outbreak of war in 1937, and certain developments during the interval since that date, e.g., the death of President Lin Sen, are noted in the American edition in order to bring the survey completely up to date. Succeeding volumes are promised, although not necessarily to appear annually. In a series of twenty-five chapters, one will find covered practically all of the topics—political, economic, and social—commonly dealt with in national yearbooks, with the chapters on the Kuomintang, governmental structure, foreign relations, public finance, courts and prisons, and military affairs likely to prove of largest interest to political scientists. Texts of numerous party, governmental, and other public documents are included, and there is a full array of statistics. There are also digests of the writings of Dr. Sun Yat-sen; and Westerners using the book will find a seventy-five-page Chinese "Who's Who" a particularly helpful feature.—F.A.O.

INTERNATIONAL LAW AND RELATIONS

Harold Ettlinger, foreign correspondent of the Chicago *Sun* and author of a newspaper column of the same title, has assembled in *The Axis on the Air* (Bobbs-Merrill Co., 1943, pp. 318, $2.75) some of the materials of Axis radio propaganda and has formulated therein his own conclusions concerning the subject. The broadcasting organizations, activities, and policies of the German, Italian, Japanese, and certain satellite Axis

governments, as well as the counter-propaganda efforts of the principal United Nations governments, are described more or less comprehensively. In addition, some reference is made to the use of freedom stations, authentic and bogus, the employment by the Axis of traitors such as Lord Haw Haw and Ezra Pound, and the exploitation of neutral news sources for the dissemination of Axis stories. The discussion is based in part on information assembled by Ettlinger while he was abroad as a correspondent, but is grounded even more largely on the monitoring records of the Foreign Service Division of the Office of War Information, which are quoted extensively, usually without specific acknowledgement of the source. The treatment throughout is journalistic. In Ettlinger's opinion, the aim of Axis propaganda directed at the United States has not been to convert Americans to National Socialism, but merely to soften, frighten, and bewilder them. He argues cogently that this propaganda has been most effective when it has exploited isolationist and anti-Administration opinions circulated in this country by Americans who, consciously or unconsciously, have tended to weaken confidence in the government. A careful examination of the material presented is likely to lead to the conclusion that Nazi propaganda is a by-product of Nazi philosophy, dependent, among other things, on the fact that Hitler "does not have a very high opinion of people." It is a pleasure to record that the author, surveying the difficulties experienced by Goebbels in an era of accumulating disasters, has doubts about the effectiveness of the whole undertaking. Indeed, it is possible that not the least of the consequences of the defeat of the Axis will be the decline of a whole school of thought which has attributed well-nigh miraculous powers to liars. The reader may judge for himself the extent to which Americans have developed an immunity against German propaganda by the circumstance that the material published in *The Axis on the Air* is no longer sensational; it is, in fact, remarkably familiar and slightly boring.—E. E. SCHATTSCHNEIDER.

Twenty-eight articles on "Transportation: War and Post-War," edited by G. Lloyd Wilson, compose the November, 1943, number of the *Annals of the American Academy of Political and Social Science*. Descriptions of the wartime transportation picture in the United States, Canada, Great Britain, and Russia occupy most of the volume, which has also a few articles devoted to postwar problems. The lead-off article, by Joseph B. Eastman, on the rôle and organization of the Office of Defense Transportation, is followed by a group of papers describing problems faced by transportation agencies at the beginning of the war and the success with which they were met. Joseph L. White, James M. Curtin, and the editor emphasize the progress and changes effected during the interbellum years.

Following several informative essays on inland and coastwise water-carriers, Henry L. Deimel, Jr., and Ronald L. Kramer appraise the recent growth and the future of the American merchant marine. In one of the four articles considering automotive and air-borne transportation, Major General Harold Lee George discusses the Air Transport Command and its possible postwar significance. The distinguishing features of Canadian, British, and Russian transportation are discussed in some detail; the article on the Soviet Union by Charles E. Whitworth points up particularly our lack of knowledge about that country's system. The section on postwar problems presents standard discussions from the several viewpoints of industry, government, and professional observers. G. D. H. Cole, in an adapted article, offers a Socialist presentation of "integrated transportation," in interesting contrast to Samuel B. Pettengill, who represents American industry. The volume is a timely collection of informative articles, but suffers from a lack of critical approach; a greater effort to obtain impartial writers might have corrected this defect. The symposium's value would have been enhanced by a better coverage of foreign experience, and also by comment from a railway labor representative.—RITA DAVIDSON.

As public interest heightens in postwar control schemes designed to dispose of surplus stocks of materials, books of experience on various types of control will have a particularly useful function. Such a book is V. D. Wickizer's *The World Coffee Economy, with Special Reference to Control Schemes* (Food Research Institute, Stanford University, 1943, pp. 258, $3.00). The serious reader will not be interested in the first half of the book, which is devoted to such things as coffee characteristics, cultivation, consumption habits, and the like, but the last half, devoted to Brazilian coffee control schemes, inter-American coffee agreements, and regulation of the world coffee industry, comes to grips with major problems. Definitely there is something to be learned from Brazil's experience in underwriting surplus stocks at excessive prices (for political, rather than economic, reasons) and failing to restrain production thereafter. Here was an internal control scheme that weakened the international position of its sponsor nation instead of strengthening it, ultimately leading to such price differentials among competitive countries as to precipitate an international commodity agreement, embodying the export-quota principle. This Inter-American Coffee Agreement amounted to a political subsidy, by a major consuming nation, of some fourteen producing nations, a relatively unique feature of international commodity agreements. It also showed the extent to which a government (in this case that of the United States) could become financially involved in what appeared to be a relatively small subsidy principle at the outset. While the reviewer does not

concur with the author that "the agreement has contributed little toward solving the fundamental problems of the world coffee economy," it is admitted that a little more consumer-country control over price policies, together with effective production restraints, should be the goal of a true international commodity agreement. The postwar disposition of this particular government stockpile of a foodstuff stored abroad will be a major problem for both the trade and the government—unless it can be given away for relief and the excess sold centrally for the benefit of all signatories to the coffee agreement, according to quota participation, as the author reasonably suggests. In fact, the whole treatise is eminently reasonable.—FRANCES R. FUSSELL.

Much has been written by Britishers and Americans about South-East Asia in the postwar world, but unfortunately little has been heard from representatives of the peoples of the region. In *The Future of South-East Asia* (Macmillian Co. and Institute of Pacific Relations, 1943, pp. 126, $1.75), K. M. Panikkar, an Indian long associated with the governments of Indian States, sets forth his views on the general problem of security and postwar policies for that area. Mr. Panikkar seems to see in an Indo-British partnership a solution to the problem of India's foreign policy and the answer to Britain's difficulties in that part of the world. He is convinced that India must remain in the orbit of Great Britain or pass into the orbit of Russia. In the latter eventuality, the British Empire will suffer eclipse. South-East Asia cannot be made secure solely by the guarantee of two or more major powers. The region can be protected only if one of the powers has a base in India. An India reconstituted in an independent Pakistan and Hindustan and in a long-term military alliance with Great Britain would "constitute the surest guarantee of Britain's authority and interest in the East," while the growth of Indian industries would provide "a steady local market for South-East Asia, and a genuine co-prosperity scheme within a defined region with internal economies complementary to each other will be its material result." Panikkar recognizes that China and India are potential rivals for leadership in that region, but he does not explore that probable development. The author analyzes briefly but interestingly the problems of each country of the area. The interest of the United States in the region are not discussed at any length, while the interests of Australia are given scant consideration. In spite of many inaccuracies, this little volume presents one of the most stimulating and suggestive statements on the problems and politics of this important region which has yet appeared.—AMRY VANDENBOSCH.

That an increasing number of people in Britain seem to be in favor of doing democratic justice to India is indicated by John S. Hoyland's

Indian Crisis (Macmillan Co., 1943, pp. 193, $2.00). This English author, who has lived in India for over fifteen years as an educator, social worker, and supervisor of famine relief, is convinced that the time has arrived when India should be freed from British imperialism. In spite of his missionary background, he discusses Hinduism, Islam, Buddhism, and other non-Christian faiths with sympathy and respect. After examining the present social, economic, and political conditions of India, he comes to the conclusion that there can be no progress in that country under the British régime. "India must become independent," Mr. Hoyland says. "In many ways British rule has been good; but it has not been good enough; it has led to appalling miseries. The time has come when it must cease, and another way be tried, however steep and hard." It is a rambling book, but is written objectively and with sincerity supported by indubitable facts. But it will not be enjoyed by the Col. Blimps who expect to be in India indefinitely.—SUDHINDRA BOSE.

Fresh insight into the sources of military strength of the enemy we fight is provided by E. Herbert Norman in his too brief but well documented *Soldier and Peasant in Japan; The Origins of Conscription* (International Secretariat, Institute of Pacific Relations, 1943, pp. xiv, 76, $0.75), in which he analyzes the social roots of Japan's conscript army. Motivated less by fear of the West than of democratic revolution at home, conscription was introduced as an instrument of counter-revolution in the early years of Meiji. The first law, that of 1872–73, created an army quite able to maintain the oligarchs in power. In 1883, after the suppression of the Satsuma rebellion, came the law designed to create an army capable of aggressive action abroad. It is into the roots of these laws, and the dominant features of Japanese militarism that emerged from them, that the author inquires.—RALPH A. NOREM.

In the African Handbook series (nos. 2 and 3), published by the University of Pennsylvania Press, there appeared in the fall of 1943 A. Williams Postel's *The Mineral Resources of Africa* (pp. 105, $1.50) and *The Food Resources of Africa* (pp. 105, $1.50), by Thomas S. Githens and Carroll E. Wood, Jr. Each of these excellent little books is in its own appropriate way an analytical and classified survey of the resources of Africa. Production figures for the various regions are indicated. Graphs, charts, and statistical data abound in the minerals study. And the authors of the food survey promise "in later volumes of the African Handbooks more detailed studies, both regarding specific areas and individual crops." In the meantime, interested persons will find these analyses very helpful.—N. D. HOUGHTON.

POLITICAL THEORY AND MISCELLANEOUS

Alex L. Macfie's *Economic Efficiency and the Social Welfare* (Oxford University Press, 1943, pp. xi, 142, $3.25) is, in the author's own words, "a rather obstinate attempt to think out the concept of economic efficiency as a social value in an evolving community" (p. 133). The predominant stream of economic theory, he argues, has up to the present based its speculations on individualist theories of ethics. Illustrating this contention specifically in the case of Alfred Marshall, he goes on to maintain, that within the context of its assumptions, there is little to criticize about individualist economics. It is when one questions the ethical foundation of most economic theory and obtains a more complete picture of the way in which economic institutions function that the gross inadequacies of the old systems become so obvious. Macfie then develops his positive analysis. One portion has for its theme the impossibility of equating theoretically the economic action of the state with that of the individual. The ethical assumption of individualist economics emphasized quantity; the state, on the other hand, "decides its priorities on qualitative grounds through unique processes of institutional decision, processes essentially different from the judgments of individuals" (p. 37). Social processes and decisions are "unique" in the sense that they are neither the arithmetic total, nor some "average," of individual decisions. They are rather social creations. In his chapter on "The Characteristics of Moral Value," he takes sharp issue with Samuel Alexander, who, in his *Space, Time, and Deity*, argues that "economic efficiency" is merely an instrumental value. Macfie maintains, quite correctly, in the opinion of this reviewer, that efficiency must be looked upon as an end as well as a means. Any sharp distinction between ends and means ought to be repudiated. As a notable critique of an economics grounded on individualist ethics and politics, as an eloquent plea for a closer coöperation among those interested in the problems of society, and above all, as an appeal for students of society to make explicit their own philosophic assumptions, this book should be heartily welcomed. As Frank Knight says in his foreword, the Lecturer in Political Economy at Glasgow University "is emphasizing what needs emphasis in the minds of the audience he is addressing, particularly the economists of the English-speaking world."—MULFORD Q. SIBLEY.

The late Lord Wedgwood's *Testament to Democracy* (American Chapter, Emergency Council, 1943, pp. xix, 355, $3.75) is a refreshing book, free from cliché and platitude, full of facts and faith, and rich from a lifetime of political experience. Colonel Wedgwood loved the British Parliament as others of his family loved old pottery. He was devoted to its history

as well as to its traditions, and was fascinated even by what he believed to be its blemishes. In this book, as in his own life, he stands up for the independent member of Parliament against the rigid party discipline of the last sixty years. He therefore stands for the single-member district against proportional representation. He contemplates with horror the fact that "placemen" now number approximately one-quarter of the House of Commons. He thinks it probable that at the end of this war the Labor party will disintegrate like the Liberal party at the close of the First World War, its place being taken by a Communist party. He calls himself a philosophic anarchist, and looks forward to communism in essentials and private enterprise in luxuries. He pleads for Zionism and for a revival of liberalism toward native races. He hopes that need for exchange stabilization will drive American and British business men toward federal union. He fears a corporativism that is tender to the vested interests of well-organized groups. And his faith in Henry George even leads him to find hitherto unsuspected virtues in the New England property tax. Whatever unity this enjoyable and suggestive book has, it gets from the personality of Josiah Wedgwood and from the nineteenth-century ideals of personal liberty, tolerance, and government by discussion, by which he fearlessly judges the large-scale organization of our twentieth century. —W. HARDY WICKWAR.

George Fitzhugh (Baton Rouge: Louisiana State University Press, 1943, pp. ix, 360, $3.00), by Harvey Wish, is another book in the excellent Southern Biography series edited by Wendell Holmes Stephenson and Fred C. Cole. Professor Wish has turned out a scholarly work that is well documented. George Fitzhugh was born in the tidewater section of Virginia and lived there practically all of his life. He became one of the chief literary spokesmen for the slave-holding South. With the statement that "we must meet propagandism with counter-propagandism," he proceeded to his task with enthusiasm and relentless energy. Fitzhugh was an unprincipled propagandist for his cause, and not a scholar. He became a prolific writer for magazines and newspapers. His chief contributions were to *DeBow's Magazine* and to the Richmond papers. But he also produced at least two books of note—*Sociology for the South* and *Cannibals All!* In *Sociology for the South*, Fitzhugh attempted to show that free competitive society was a failure. Unknowingly, he stumbled upon some of Aristotle's ideas about the value of slaves to the progress of mankind. In *Cannibals All!*, he further emphasizes the weaknesses of free competitive society, and his attacks on capitalism antedated by many years similar ones made by totalitarians of our day. Fitzhugh believed the Southern slaveholding aristocracy to be the master race; Negroes he re-

garded as inferior and not capable of being educated. Fitzhugh was not an unreconstructed rebel. After the Civil War, he was conciliatory, and even became an employee of the Freedmen's Bureau. Writing for *Lippincott's Magazine*, he conceded that free Negro labor was more profitable than slave labor; but he refused to change his mind about Negro education. Professor Wish's *George Fitzhugh* should be of considerable value to political scientists. It is interesting to find an American writer of the Old South advancing some of the theories of present-day totalitarianism. —CULLEN B. GOSNELL.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLYDE F. SNIDER
University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

Books and Pamphlets

Colegrove, Kenneth W. The American senate and world peace. Pp. 209. N.Y.: Vanguard. 1944.

Faatz, Anita J. The nature of policy in the administration of public assistance. Pp. 59. Phila.: Pa. School of Soc. Work. 1943.

Faust, Martin L. Manual on the executive article for the Missouri constitutional convention of 1943. Pp. 105. Columbia (Mo.): Author. 1943.

Faust, Martin L. Manual on the legislative article for the Missouri constitutional convention of 1943. Pp. 66. Columbia (Mo.): Author. 1943.

Field, Oliver P. Judicial review of legislation in ten selected states. Pp. 81. Bloomington (Ind.): Bur. of Govt. Research, Dept. of Govt., Ind. Univ. 1943.

Flynn, John T. As we go marching. Pp. 280. Garden City (N.Y.): Doubleday. 1944.

Francis, Bion H. What will social security mean to you? Pp. 88. Cambridge (Mass.): Am. Inst. of Econ. Research. 1943.

Heinberg, John G. Manual on federal-state relations for the Missouri constitutional convention of 1943. Pp. 57. Columbia (Mo.): Author. 1943.

Kies, Harry B., and *McCandless, Carl A.* Manual on the bill of rights and suffrage and elections for the Missouri constitutional convention of 1943. Pp. 53. Columbia (Mo.): Authors. 1943.

Kimmel, Lewis H. Postwar tax policy and business expansion. Pp. 46. Wash.: Brookings Inst. 1943.

McDiarmid, Errett W. and *John.* The administration of the American public library. Pp. 258. Chicago: Am. Libr. Assoc. and Univ. of Ill. Press. 1943.

Nicholls, W. H., and *Vieg, J. A.* Wartime government in operation. Pp. 122. Phila.: Blakiston. 1943.

Regulation of public utilities during the war. Pp. 339. N.Y.: Pub. Service Commission. 1943.

Rochester, Anna. The populist movement in the United States. Pp. 128. N.Y.: Int. Pubs. 1944.

Schlotterbeck, Karl T. Postwar reëmployment; the magnitude of the problem. Pp. 27. Wash.: Brookings Inst. 1943.

Stocker, Harry E. Transportation and the public welfare in war and in peace. Pp. 51. Wash.: Nat. Highway Users Conf. 1943.

Straus, Nathan. The seven myths of housing. Pp. 314. N.Y.: Knopf. 1944.

Articles

Administration. How to delegate authority. *John M. Pfiffner.* Pub. Management. Dec., 1943.

———. Administrative procedure and reform. *Joseph Welles Henderson.* Commercial Law Jour. Jan., 1944.

———. Efficiency of personnel in tax administration. *James W. Martin.* Taxes. Feb., 1944.

Administrative Law. Improving administrative law. *Joseph W. Henderson.* Wash. Law Rev. and State Bar Jour. Nov., 1943.

———. Administrative law. *Mahlon E. Lewis.* Pa. Bar Assoc. Quar. Jan., 1944.

Air Transport. Problems of our domestic air transportation. *Oswald Ryan.* Notre Dame Lawyer. Dec., 1943.

Airport Zoning. Constitutionality of federal airport zoning. *Robert E. Smylie.* Geo. Washington Law Rev. Dec., 1943.

Agriculture. Agricultural under-employment. *Conrad Taeuber.* Wartime changes in employer-employee relations in agriculture. *Edgar C. McVoy.* Rural Sociology. Dec., 1943.

———. The farmer chooses freedom. *James D. Staniford.* Nation's Business. Feb., 1944.

Army. The army legal assistance office, its forerunner and the coöperation of courts and civilians. *John L. Godwin.* Lawyers Guild Rev. July-Aug., 1943.

———. The administration of family allowances for men in the military service. *Harry Grossman.* Cornell Law Quar. Nov., 1943.

Art. The laissez-faire theory of artistic censorship. *Iredell Jenkins.* Jour. of Hist. of Ideas. Jan., 1944.

Banking. Group banking. *Charles S. Popple.* Harvard Bus. Rev. Winter, 1944.

Civil Rights. A slave trade law in a contemporary setting. *Fred G. Folsom, Jr.* Cornell Law Quar. Nov., 1943.

———. The Schneiderman case; its political aspects. *N. S. Timasheff.* The Schneiderman case; some legal aspects. *W. B. Kennedy.* Fordham Law Rev. Nov., 1943.

———. Constitutional implications of compulsory flag salute statutes. *Madaline K. Remmlein.* Geo. Washington Law Rev. Dec., 1943.

Civil Service. Government salary problems. *Alden C. Fensel.* Tax Digest. Jan., 1944.

———. Reinstating public employees after military service. *Dan S. Moore.* Job evaluation through point rationing. *John F. Fisher.* Developing adequate class specifications. *Robert I. Biren.* The 1943 annual conference on public personnel administration. Pub. Personnel Rev. Jan., 1944.

Congress. Design for lawmaking. *Carlisle Bargeron.* Nation's Business. Jan., 1944.

Constitutional Law. The supreme court of the United States during the October term, 1942, I. Columbia Law Rev. Sept., 1943.

———. Current constitutional law decisions of the United States supreme court. *Charles E. Carpenter.* So. Calif. Law Rev. Nov., 1943, Jan., 1944.

———. Recent decisions of the supreme court. *John R. Benney.* Fed. Bar Assoc. Jour. Dec., 1943.

———. Mr. Justice William Johnson and the constitution. *Donald G. Morgan.* Harvard Law Rev. Jan., 1944.

Consumer Credit. Consumer credit charges after the war. *William T. Foster.* Jour. of Business. Jan., 1944.

Corporations. Authority of congress to modify and extend corporate charters granted by the state. *R. V. Fletcher.* Miss. Law Jour. Nov., 1943.

Debt. The danger of the mounting national debt. *H. G. Brown.* Am. Jour. of Econ. and Sociol. Oct., 1943.

———. Public debt problems after the war. *Roger W. Valentine.* New Jersey Municipalities. Jan., 1944.

———. The public debt in the financial structure. *Alfred Kähler.* Soc. Research. Feb., 1944.

Demobilization. War distortions and postwar demobilization; the problems of the states. *Emile Benoit-Smullyan.* State Govt. Jan., 1944.

Deportation. Deportation of alien seamen owing allegiance to governments-in-exile. Yale Law Jour. Dec., 1943.

Employment. The postwar employment of women in the United States; a statistical forecast. *John D. Durand.* Int. Labour Rev. Dec., 1943.

———. Policies for full postwar employment. *H. G. Brown.* Am. Jour. of Econ. and Sociol. Jan., 1944.

———. The fiction of full employment. *Lawrence Fertig.* Am. Mercury. Feb., 1944.

Enemy Aliens. Enemy aliens as litigants. *W. Y. Rylee.* Geo. Washington Law Rev. Dec., 1943.

Federal-State Relations. State control over federal areas. *W. P. Roderick.* Geo. Washington Law Rev. Dec., 1943.

———. The growth of coöperative government. State Govt. Jan., 1944.

———. Why surrender our state sovereignty? *Watkins M. Vaughan.* Alabama Lawyer. Jan., 1944.

Finance. Postwar fiscal policies; state and local. *Roy G. Blakey.* Taxes. Feb., 1944.

Fourteenth Amendment. The immediate purpose of the fourteenth amendment. *Joseph B. James.* Ind. Mag. of Hist. Dec., 1943.

Government and Business. What business thinks about postwar America. *C. Hartley Grattan.* Harper's. Feb., 1944.

Government Contracts. Some recent developments in renegotiation of war contracts. *J. Harry La Brum.* Jour. Bar Assoc. of Kan. Nov., 1943.

———. War contract renegotiation. *Symposium.* Law and Contemp. Probs. Autumn, 1943.

———. The war department board of contract appeals. *Hugh Carnes Smith.* Fed. Bar Assoc. Jour. Dec., 1943.

———. The legal aspects of the incurring of obligations by the federal government and the use of appropriated funds for the payment thereof. *E. E. Naylor.* Va. Law Rev. Dec., 1943.

Government Purchasing. How government purchasing procedures strengthen monopoly elements. *Wesley C. Ballaine.* Jour. of Pol. Econ. Dec., 1943.

Health. Hospital services in Minnesota. *Paul H. Fesler.* Minn. Municipalities. Jan., 1944.

Holding Company Act. The relative rights of preferred and common shareholders in recapitalization plans under the holding company act. *E. Merrick Dodd.* Harvard Law Rev. Jan., 1944.

Housing. That postwar "dream" house. *Max G. Mercer.* Antioch Rev. Dec., 1943.

Immigration. Source and scope of power to regulate immigration. *Albert E. Reitzel.* Fed. Bar Assoc. Jour. Dec., 1943.

———. Jew and Yankee; a historic comparison. *Rudolf Glanz.* Jewish Soc. Studies. Jan., 1944.

Insurance. Insurance under the Sherman act. *Eugene E. Threadgill.* Georgetown Law Jour. Nov., 1943.

———. Is the business of insurance commerce? *Nathan R. Berke.* Mich. Law Rev. Dec., 1943.

Jews. The Jew in our day; democracy and the American Jew. *Waldo Frank.* Contemp. Jewish Record. Dec., 1943.

Judge Advocate General's Department. How the army transforms lawyers into judge advocates. *A. B. Butts.* Miss. Law Jour. Nov., 1943.

Judiciary. A work sheet of judicial labor of appellate federal courts. *Evan A. Evans.* Wis. Law Rev. May, 1943.

———. The work of the Missouri supreme court for the year 1942. *Symposium.* Mo. Law Rev. Nov., 1943.

———. Appeals from state courts under the federal judicial code. *Bennett Boskey.* Va. Law Rev. Dec., 1943.

———. Federal question jurisdiction and section 5. *Ray Forrester.* Tulane Law Rev. Dec., 1943.

———. Survey of Illinois law for the year 1942–1943. *Symposium.* Chicago-Kent Law Rev. Dec., 1943.

———. The judge-jury relationship in the state courts. Ore. Law Rev. Dec., 1943.

———. Retirement pensions for judges. *Glenn R. Winters.* The forsaken laboratories of judicial science. *Leonard J. Emmerglick.* Judicial selection improvement studies in New York. Jour. of Am. Judicature Society. Dec., 1943, Feb., 1944.

———. Aurelio; the people's choice. *Ferdinand Lundberg.* Harper's. Jan., 1944.

Labor. The authority of the war labor board. *Currin V. Shields.* Wis. Law Rev. May, 1943.

———. The express publishing co. case. *Marcus Manoff* and *George Schmiedigen.* Massachusetts labor relations act, II. *Harold B. Roitman.* Boston Univ. Law Rev. Nov., 1943.

———. Guaranteed wages under New York minimum wage legislation. *Godfrey Schmidt.* Fordham Law Rev. Nov., 1943.

———. Federal control of collective bargaining. *Morton Steinberg.* Ill. Law Rev. Nov.–Dec., 1943.

———. Minnesota labor relations acts passed in 1943. Minn. Law Rev. Dec., 1943.

———. Ideology and the unions. *Jack Barbash.* Am. Econ. Rev. Dec., 1943.

———. Representation questions before the national war labor board. *A. Bruce Hunt.* Va. Law Rev. Dec., 1943.

———. The national war labor board and the maintenance-of-membership clause. *Marcus Manoff.* Harvard Law Rev. Dec., 1943.

———. Labor unions and the Sherman act. *Robert F. Swisher.* Notre Dame Lawyer. Dec., 1943.

———. Labor law in wartime. *Symposium.* Ia. Law Rev. Jan., 1944.

———. The American worker and his education. *H. M. Kallen.* Soc. Research. Feb., 1944.

———. What American labor wants. *Elmo Roper.* Am. Mercury. Feb., 1944.

Manpower. Mobilizing manpower. *James E. Pate.* Social Forces. Dec., 1943.

Migration. Migrant aid in California, 1849, 1939. *Katherine D. Lovell.* Am. Jour. of Econ. and Sociol. Oct., 1943.

———. Internal migration by subsidy. *Paul H. Landis.* Social Forces. Dec., 1943.

Military Tribunals. Constitutional limitations on trials by military commissions, I. *Harold L. Kaplan.* Univ. of Pa. Law Rev. Dec., 1943.

Motor Carriers. State regulation of interstate transportation by motor carriers. *George H. Swerer.* Rocky Mt. Law Rev. Dec., 1943.

National Monuments. The law in "Jackson's hole." *Herbert Corey.* Pub. Util. Fort. Jan. 6, 1944.

Negroes. The black man's burden. *J. Saunders Redding.* Antioch Rev. Dec., 1943.

Pardon. The board of pardons. *John C. Bell.* Pa. Bar Assoc. Quar. Jan., 1944.

Parties. Political parties. *William L. Martin.* Alabama Lawyer. Jan., 1944.

Personalities. The rise of the little man with the big hands [Harold L. Ickes]. *Larston D. Farrar.* Pub. Util. Fort. Dec. 23, 1943.

———. Preface to the president's autobiography. *George W. Martin.* Harper's. Feb., 1944.

———. General MacArthur; fact and legend. *John McCarten.* The terrific Mr. La Guardia. *John Rogers.* Am. Mercury. Jan., Feb., 1944.

Planning. The sociology of planning. *Bessie Averne McClenahan.* Sociology and Soc. Research. Jan.–Feb., 1944.

Presidency. A president must be elected. *Walter Millis.* Va. Quar. Rev. Winter, 1944.

Price Control. Price control and the emergency price control act. *Bernard F. Grainey.* Notre Dame Lawyer. Sept., 1943.

———. The emergency court of appeals; interpretation of procedure and judicial review under the price control act. *Charles W. Stewart, Jr.* O.P.A., small business, and the "due process" clause; a study in relations. *Edward B. Williams.* Georgetown Law Jour. Nov., 1943.

———. Price control in war procurement. *Albert J. Browning.* Cornell Law Quar. Nov., 1943.

———. O.P.A. enforcement. *John H. Nolan.* State Govt. Jan., 1944.

Public Utilities. The country line. *Andrew Barnes.* Washington utility outlook for 1944. *Francis X. Welch.* The Washington P.U.D's. are having their troubles. *Ernest C. Potts.* The impact of war on electric utility profits. *Ernest R. Abrams.* Effect of the Hope natural gas case on the future of rate regulation. *Gregory Hankin.* Impact of the Hope natural gas decision on commission regulation. *Francis X. Welch.* Pub. Util. Fort. Dec. 23, 1943, Jan. 6, 20, Feb. 3, 1944.

Public Works. Public works program after world war I. *E. Jay Howenstine, Jr.* Jour. of Pol. Econ. Dec., 1943.

Puerto Rico. Puerto Rican idyll. *T. N. Sandifer.* Pub. Util. Fort. Dec. 23, 1943.

Radio. Copyright law as applied to radio broadcasting. *Leo L. Link.* How far will the law of privacy extend in radio? *Vail W. Pischke.* Regulation of radio stations. *Charles M. Urruela.* Notre Dame Lawyer. Sept., Dec., 1943.

———. Competition, free speech, and F.C.C. radio network regulations. *Oren G. Barber.* Geo. Washington Law Rev. Dec., 1943.

———. Congress and the control of radio-broadcasting, II. *Carl J. Friedrich* and *Evelyn Sternberg.* Am. Pol. Sci. Rev. Dec., 1943.

Rural Electrification. Why the R.E.A. coöps will be self-liquidating. *Harry Slattery.* Pub. Util. Fort. Jan. 20, 1944.

Securities Regulation. Denials and revocations of securities dealers' licenses. *E. Weston Wood.* Wis. Law Rev. May, 1943.

Slaughterhouse Cases. The foundations and meaning of the slaughterhouse cases (concluded). *Mitchell Franklin.* Tulane Law Rev. Dec., 1943.

Social Security. Social security planning in the United States. *Eveline M. Burns.* Agenda. Nov., 1943.

———. American postwar social security proposals. *E. E. Witte.* Am. Econ. Rev. Dec., 1943.

———. Health under the social security tent. *James Rorty.* Antioch Rev. Dec., 1943.

———. Undermining unemployment insurance. *Arthur J. Altmeyer.* How do the aged "get along"? *John J. Corson.* Survey Graphic. Jan., 1944.

Soldier Voting. Should absentee soldier voting be federally controlled? *Symposium.* Cong. Digest. Jan., 1944.

South. How the south feels. *David L. Cohn.* Atlan. Mo. Jan., 1944.

State Constitutions. 25 study Georgia basic law. *Ellis Arnall.* Constitution by convention. *Tess Loeb.* New task for a legislature. *John E. Bebout.* Nat. Mun. Rev. Jan., 1944.

State Legislatures. A survey of statutory changes in North Carolina in 1943. *Symposium.* N. C. Law Rev. June, 1943.

———. The work of the 1943 California legislature. So. Calif. Law Rev. Nov., 1943.

———. Unicameralism passes test. *John P. Senning.* Nat. Mun. Rev. Feb., 1944.

Suffrage. H. R. 7 to outlaw the poll tax in federal elections is constitutional. *National Lawyers Guild.* Lawyers Guild Rev. Sept.-Oct., 1943.

Supreme Court. The coming of the new dissent; the supreme court, 1942–43. *C. Herman Pritchett.* Univ. of Chicago Law Rev. Dec., 1943.

Taxation. Business situs as basis of property taxation of intangibles. *Karl Drechsler.* Wis. Law Rev. May, 1943.

———. A 1943 war tax program. *National Committee on Taxation, National Lawyers Guild.* Lawyers Guild Rev. Sept.-Oct., 1943.

———. The conservative program for tax reform. *H. G. Brown.* Am. Jour. of Econ. and Sociol. Oct., 1943.

———. How our federal tax laws grow. *Marguerite Rawalt.* Fed. Bar Assoc. Jour. Dec., 1943.

———. The tax benefit rule today. *William T. Plumb, Jr.* Harvard Law Rev. Dec., 1943.

———. Bearing the burden of the retailers' occupation tax. *Frank W. Dibble.* Taxes. Jan., 1944.

———. In fairness to the small taxpayer. *J. K. Lasser.* Am. Mercury. Jan., 1944.

———. Incentive, in reverse. *Frank Hobbs.* Nation's Business. Feb., 1944.

———. Excess profits taxation. *Symposium.* Law and Contemp. Probs. Winter, 1943.

T.V.A. T.V.A's. firm foundation. T.V.A's. accomplishments. *William C. Fitts, Jr.* Pub. Util. Fort. Dec. 23, 1943, Jan. 20, 1944.

Trading with Enemy Act. "Enemy" under the trading with the enemy act and some problems of international law. *Samuel Anatole Lourie.* Mich Law Rev. Dec., 1943.

Transportation. "Transportation and national policy." *Stuart Daggett.* Harvard Bus. Rev. Winter, 1944.

Treaty Power. Senatorial strategy, 1919–20; will it be repeated? *Walter Johnson.* Antioch Rev. Dec., 1943.

War Information. The face-to-face war information service of the federal government. *Walter H. C. Laves.* Am. Pol. Sci. Rev. Dec., 1943.

War Production. Coördinating production for war. *Shelby C. Davis.* Jour. of Am. Statistical Assoc. Dec., 1943.

War Relocation Centers. Social processes in the war relocation center. *Edgar C. McVoy.* Social Forces. Dec., 1943.

———. Relocation centers as planned communities. *Emory S. Bogardus.* Sociology and Soc. Research. Jan.-Feb., 1944.

War Risk Insurance. War risk insurance. *Hal Hunter.* Notre Dame Lawyer. Dec., 1943.

Workmen's Compensation. Insurance features of workmen's compensation laws. *Arthur Lenhoff.* Cornell Law Quar. Nov., 1943.

———. Employer's liability for occupational diseases. *John C. Banks.* Rocky Mt. Law Rev. Dec., 1943.

FOREIGN AND COMPARATIVE GOVERNMENT

Books and Pamphlets

Amadeo, Santos P. Argentine constitutional law. Pp. 253. N.Y.: Columbia Univ. Press. 1944.

Belgrano, Mario Carlos. El nuevo estado del Portugal. Pp. 150. Buenos Aires: Editorial Depalma. 1943.

Black, C. E. The establishment of constitutional government in Bulgaria. Pp. 354. Princeton (N.J.): Princeton Univ. Press. 1944.

Cole, G. D. H. The means to full employment. Pp. 175. London: Gollancz. 1943.

Dobb, Maurice H. Soviet economy and the war. Pp. 95. N.Y.: Int. Pubs. 1944.

Dundas, Lawrence. Behind the Spanish mask. Pp. 111. Forest Hills (N.Y.): Transatlantic Arts. 1944.

Farley, Miriam S. Speaking of India; 150 questions and answers. Pp. 63. N.Y.: Inst. of Pacific Rels. 1943.

Figuerola, José. La colaboración social en hispanoamérica. Pp. 350. Buenos Aires: Editorial Sudamericana. 1943.

Fischer, Louis. A week with Gandhi. Pp. 122. London: Allen & Unwin. 1943.

Gadgil, D. R. The industrial revolution of India in recent times. Pp. 368. London: Oxford Univ. Press. 1943.

Gerschenkron, Alexander. Bread and democracy in Germany. Pp. 246. Berkeley (Calif.): Univ. of Calif. Press. 1943.

González Calderón, Juan A. Curso de derecho constitucional. Pp. 877. Buenos Aires: G. Kraft. 1943.

Hagen, Paul. Germany after Hitler. Pp. 248. N.Y.: Farrar & Rinehart. 1944.

Hamburger, Ludwig. How nazi Germany has controlled business. Pp. 101. Wash.: Brookings Inst. 1943.

Heiden, Konrad. Der Fuehrer; Hitler's rise to power. Pp. 796. Boston: Houghton. 1944.

Mallory, Walter H., ed. Political handbook of the world; parliaments, parties, and press as of January 1, 1943. Pp. 202. N.Y.: Harper. 1943.

Mander, Alfred E. Our sham democracy, how to make it real. Pp. 76. Sydney: "The Harbour" Newspaper & Pub. Co. 1943.

McConnell, T. R., and *Willey, M. M.* eds. Higher education and the war. Pp. 162. (Annals Am. Acad. Pol. and Soc. Sci. Jan., 1944). Phila.: Am. Acad. Pol. and Soc. Sci.

Minz, I. The red army. Pp. 160. N.Y.: Int. Pubs. 1943.

Plum, H. G. Restoration puritanism; a study of the growth of English liberty. Pp. 138. Chapel Hill (N.C.): Univ. of N.C. Press. 1943.

Reith, Charles. British police and the democratic ideal. Pp. 288. London: Oxford Univ. Press. 1943.

Robson, William A. Planning and performance. Pp. 31. London: Dent & Sons. 1943.

Ross, J. F. S. Parliamentary representation. Pp. 243. London: Eyre & Spottiswoode. 1943.

Soviet planning and labor in peace and war. Pp. 124. N.Y.: Int. Pubs. 1944.

Sweden; a wartime survey. Pp. 250. N.Y.: Albert Bonnier Pub. House. 1944.

Wedgwood, Josiah C. Testament to democracy. Pp. 357. N.Y.: Am. Chapter, Religious Emergency Council of Great Britain. 1943.

Wheeler, Post. India against the storm. Pp. 350. N.Y.: Dutton. 1944.

Articles

Administration. The study of public opinion; an aid to administrative action. *Stephan Taylor.* The wartime social survey; social research at the service of the administrator. *Louis Moss.* The administration of the health services; a medical officer of health's view. *J. A. Scott.* Organization and methods; ground floor problems. *E. N. Gladden.* Pub. Admin. Oct.-Dec., 1943.

Argentina. Students on the warpath. *Sergio Bagu.* Inter-American. Jan., 1944.

Australia. Australia; the federal elections. Round Table. Dec., 1943.

Austria. Austria yesterday and tomorrow. *Leopold C. Klausner.* World Affairs Interpreter. Autumn, 1943.

Bulgaria. King Boris; an impression. *Sir Edward Boyle.* Contemp. Rev. Dec., 1943.

British Dominions. The end of dominion status. *F. R. Scott.* Am. Jour. of Int. Law. Jan., 1944.

British Empire. Planning an empire advisory council. *Viscount Elibank.* Empire Rev. Dec., 1943.

Canada. Canada; changes in party fortunes. Round Table. Dec., 1943.

———. Socialism over the border; Canada's C.C.F. *David Lewis.* Canada looks to the postwar. *Eaton Maxwell.* Antioch Rev. Dec., 1943.

———. Trends in New Brunswick legislation affecting the executive and governmental agencies. *A. N. Carter* and *J. H. Drummie.* Are the provincial legislatures parliaments? *Louis P. Pigeon.* Canadian Bar Rev. Dec., 1943.

———. Constitutional change in Canada. *B. K. Sandwell.* Queen's Quar. Winter, 1943–1944.

———. Canada's industrial transformation. *Kenneth S. Harris.* Harvard Bus. Rev. Winter, 1944.

China. Sidelights on China's wartime production. *Y. Y. Hsu.* Pacific Affairs. Dec., 1943.

Civil Service. Trade unionism in the civil service. *G. H. Stuart Bunning.* Pub. Admin. Oct.-Dec., 1943.

Demobilization. Army demobilisation. *Sir Walter Kirke.* Nat. Rev. Dec., 1943.

Education. Education for greatness. Round Table. Dec., 1943.

———. The universities and the nation. *Reginald Lennard.* Nine. Cent. and After. Dec., 1943.

———. England prepares for postwar education. *Frederick L. Redefer.* New Europe. Dec., 1943.

Finance. The financial system in the postwar Britain. Agenda. Nov., 1943.

———. India's wartime finances. *A. J. Grajdanzev.* Pacific Affairs. Dec., 1943.

France. Behind French politics. *Edouard Pfeiffer.* Am. Mercury. Jan., 1944.

———. The church in the third republic. *J. V. Ducattillon.* Rev. of Politics. Jan., 1944.

———. Inside Vichy-France. *Kurt Singer.* World Affairs Interpreter. Winter, 1944.

Germany. Training men to be Germans. *Kurt R. Grossmann.* New Europe. Jan., 1944.

———. The rise of the junkers in Brandenburg-Prussia, 1410–1563, II. *Hans Rosenberg.* Am. Hist. Rev. Jan., 1944.

Great Britain. Postwar forest policy. *Reginald Lennard.* Agenda. Nov., 1943.

———. Judicial committee of the privy council. *Melvin M. Johnson.* Boston Univ. Law Rev. Nov., 1943.

———. Great Britain. Round Table. Dec., 1943.

———. Britain between the wars. *H. A. Taylor.* Empire Rev. Dec., 1943.

———. The strange story of Sir Oswald Mosley. *William Zuckerman.* Harper's. Feb., 1944.

———. Planning industry's future in Britain. *Walter Hill.* Harvard Bus. Rev. Winter, 1944.

Housing. The demand for dwellings in Great Britain after the war, I. *M. A. Abrams.* Agenda. Nov., 1943.

India. The economic reconstruction of India. *Vera Anstey.* Agenda. Nov., 1943.

———. Man-made famine. *J. C. French.* Nat. Rev. Dec., 1943.

———. The village and Indian politics. *Sir William Barton.* Contemp. Rev. Dec., 1943.

———. Grappling with India's food crisis. *Special Correspondent.* Fresh paths for India. *Sir Frank Brown.* Indian industry's expansion. *J. F. Gennings.* Empire Rev. Dec., 1943.

———. India; Lord Linlithgow's reign in retrospect. Round Table. Dec., 1943.

———. Food crisis in India. *Andrew J. Grajdanzev.* The Indian famine. *Norman Angell.* Far Eastern Survey. Jan. 12, 1944.

Japan. Japanese population problems in war and peace. *Allan B. Cole.* Militarists in the Japanese state. *E. Herbert Norman.* Pacific Affairs. Dec., 1943.

Jugoslavia. The situation in Yugoslavia, I. *D. K.* Bull. of Int. News. Dec. 11, 1943.

———. The riddle of Yugoslavia. *Leon Dennen.* Am. Mercury. Feb., 1944.

Labor. Collective bargaining in Ontario; a new legislative approach. *Bora Laskin.* Canadian Bar Rev. Nov., 1943.

———. Wage trends in Germany from 1929 to 1942. *René Livchen.* Holidays with pay for seafarers; conditions in four merchant navies. The mobilization of French workers for Germany. Organization for the welfare of Norwegian seamen. Int. Labour Rev. Dec., 1943, Jan., 1944.

———. Polish labor faces world problems. *W. R. Malinowski.* New Europe. Jan., 1944.

———. Labor conditions in the Netherlands. *Margaret H. Schoenfeld* and *M. Mead Smith.* Monthly Labor Rev. Jan., 1944.

———. Unionism 'down under.' *Charles Crofts.* Am. Federationist. Feb., 1944.

Legislative Investigation. The duty of disclosure in parliamentary investigation; a comparative study. *Henry W. Ehrmann.* Univ. of Chicago Law Rev. Dec., 1943.

Manpower. Canada's manpower policy. *Paul Martin.* Univ. of Toronto Quar. Jan., 1944.

Mexico. The reformed Mexican nationality law. *Maximilian Koessler.* La. Law Rev. Dec., 1943.

National Morale. Morale and the war worker. *John Armitage.* Fortnightly. Dec., 1943.

Netherlands. Holland plans for reconstruction. *M. P. L. Steenberghe.* Nation's Business. Feb., 1944.

Paraguay. First principles and the Paraguayan constitution. *Sigfrido V. Gross-Brown.* Rev. of Politics. Jan., 1944.

Planning. The social aspects of a public investment policy. *D. Christie Tait.* Int. Labour Rev. Jan., 1944.

Radio. The future of the B.B.C. *Maurice Petherick.* Fortnightly. Nov., 1943.

Russia. Can Stalin's Russia go democratic? Yes. *Arthur U. Pope.* No. *William Henry Chamberlin.* Am. Mercury. Feb., 1944.

Social Security. Social insurance reform in Ecuador. *F. A. Lopez Arteta.* Int. Labour Rev. Jan., 1944.

South Africa. South Africa; politics and economics. Round Table. Dec., 1943.

War Injuries. Legislative relief for war injuries in England. *Thomas G. Lund* and *Eardley H. V. McDougall.* Univ. of Pa. Law Rev. Dec., 1943.

INTERNATIONAL RELATIONS

Books and Pamphlets

Adler, Cyrus, and *Margalith, Aaron M.* American intercession on behalf of Jews in the diplomatic correspondence of the United States, 1840–1938. Pp. 419. N.Y.: Am. Jewish Hist. Society. 1943.

Adler, Mortimer J. How to think about war and peace. Pp. 307. N.Y.: Simon & Schuster. 1944.

Armitage, John, ed. Europe in bondage; reports of the London international assembly. Pp. 98. Forest Hills (N.Y.): Transatlantic Arts. 1944.

Bane, Suda L., and *Lutz, Ralph H.,* eds. Organization of American relief in Europe, 1918–1919. Pp. 766. Stanford University (Calif.): Stanford Univ. Press. 1943.

Bartlett, Vernon. Tomorrow always comes. Pp. 159. N.Y.: Knopf. 1944.

Bloch, Henry S., and *Hoselitz, Bert F.* Economics of military occupation; selected problems. Pp. 141. Chicago: Found. Press. 1944.

Blum, Léon. Before his judges; vebatim transcript of Blum's speech from the dock and of his cross-examination. Pp. 159. London: Routledge. 1943.

Callender, Harold. A preface to peace. Pp. 305. N.Y.: Knopf. 1944.

Casson, Stanley. Greece and Britain. Pp. 110. London: Collins. 1943.

Chow, S. R. Winning the peace in the Pacific. Pp. 109. N.Y.: Macmillan. 1944.

Committee on International Relations. Africa, the Near East, and the war; six lectures. Pp. 212. Berkeley (Calif.): Univ. of Calif. Press. 1943.

Dean, Vera Micheles. On the threshold of world order. Pp. 94. N.Y.: For. Policy Assoc. 1944.

Dulles, Foster R. The road to Teheran; the story of Russia and America, 1781–1943. Pp. 285. Princeton (N.J.): Princeton Univ. Press. 1944.

Eaton, Howard O., and *Others.* Federation; the coming structure of world government. Pp. 234. Norman (Okla.): Univ. of Okla. Press. 1944.

Ekīs, Ludvigs. Latvia; economic resources and capacities. Pp. 112. Wash.: Press Bur. of Latvian Legation. 1943.

Evans, A. J. How the Jap army fights. Pp. 128. London: Penguin. 1943.

Flenley, R., ed. The treatment of postwar Germany. Pp. 67. Boston: Bruce Humphries. 1944.

Franck, Louis R. French iron and steel from prewar time to German rule. Pp. 55. Wash.: Brookings Inst. 1942.

Fredborg, Arvid. Behind the steel wall; a Swedish journalist in Berlin, 1941–43. Pp. 314. N.Y.: Viking. 1944.

Freud, Arthur. The world without nations. Pp. 217. Cynthiana (Ky.): Hobson Press. 1943.

Friedmann, Wolfgang. The crisis of the national state. Pp. 197. London: Macmillan. 1943.

Fuller, John F. C. Machine warfare; an inquiry into the influence of mechanics on the art of war. Pp. 266. Wash.: Infantry Jour. 1943.

Gibbs, Sir Philip H., ed. Bridging the Atlantic; Anglo-American fellowship as the way to world peace. Pp. 279. Garden City (N.Y.:) Doubleday. 1944.

Goris, Jan-Albert. Belgium in bondage. Pp. 276. N.Y.: L. B. Fischer. 1944.

Graham, Gerald S. Britain and Canada. Pp. 48. London: Longmans. 1943.

Grant, W. J. The new Burma. 2nd ed. Pp. 160. N.Y.: Macmillan. 1943.

Hailey, Lord. The future of colonial peoples. Pp. 64. London: Oxford Univ. Press. 1943.

Hailey, Lord. Great Britain, India, and the colonial dependencies in the postwar world. Pp. 31. Toronto: Univ. of Toronto Press. 1943.

Hănc, Josef. Eastern Europe. Pp. 272. London: Museum Press. 1943.

Hediger, Ernest S. El nuevo imperialismo ecónomico alemán. Pp. 89. Mexico City: Ediciones Minerva. 1943.

Hughes, Philip. The popes' new order. Pp. 339. N.Y.: Macmillan. 1944.

Kirkby, Alan G. The key problem of the peace; a United States of Europe. Pp. 45. Boston: Bruce Humphries. 1943.

Krout, John A., ed. The problems of total war and roads to victory. Pp. 142. (Proc. Acad. Pol. Sci., vol. XX, no. 4, Jan., 1944.) N. Y.: Acad. of Pol. Sci., Columbia Univ.

Lasker, Bruno. Peoples of southeast Asia. Pp. 306. N.Y.: Knopf. 1944.

Laurent, Livia. A tale of internment. Pp. 127. N.Y.: Norton. 1944.

Leland, Waldo G. International cultural relations. Pp. 29. Denver (Colo.): Soc. Sci. Found., Univ. of Denver. 1943.

Liebesny, Herbert. The government of French North Africa. Pp. 130. Phila.: Univ. of Pa. Press. 1943.

Mance, Sir Osborne. International air transport. Pp. 128. London: Oxford Univ. Press. 1943.

Minschall, T. H. Future Germany. Pp. 216. London: Allen & Unwin. 1943.

Moos, Herbert von. Die Schweiz zwischen zwei Rechtswelten; das internationale Statut der schweizerischen Eidgenossenschaft. Pp. 64. Bern: Hallwag. 1940.

Morrison, Jan. This war against Japan. Pp. 119. London: Faber. 1943.

Nizer, Louis. What to do with Germany. Pp. 213. Chicago: Ziff-Davis. 1944.

Olarte, Julio Marta de. Extradición; doctrina, legislación, jurisprudencia. 3 vols. Montevideo: Peña. 1942.

Olson, Paul R., and *Hickman, C. Addison.* Pan American economics. Pp. 484. N.Y.: Wiley. 1943.

Patterns of the coming peace. Pp. 48. Buffalo (N.Y.): Univ. of Buffalo. 1943.

Prentice, Ezra P. Food, war, and the future. Pp. 176. N.Y.: Harper. 1944.

Salazar, Eduardo. Violencia, agresión y guerra; prólogo de don Alejandro Alvarez. Pp. 370. Santiago (Chile): Ediciones Ercilla. 1943.

Schultz, Sigrid. Germany will try it again. Pp. 249. N.Y.: Reynal & Hitchcock. 1944.

Sereni, A. P. The Italian conception of international law. Pp. 413. N.Y.: Columbia Univ. Press. 1944.

Smuts, Jan C. Toward a better world. Pp. 344. N.Y.: Duell, Sloan & Pearce. 1944.

Stettinius, Edward R., Jr. Lend-lease; weapon for victory. Pp. 372. N.Y.: Macmillan. 1944.

Stirling, Yates, Jr. Why sea power will win the war. Pp. 319. N.Y.: Frederick Fell. 1944.

Streit, Clarence K. Union now. Wartime ed., with three new chapters. Pp. 271. Wash.: Federal Union. 1943.

Tansill, Charles C. Canadian-American relations. Pp. 525. New Haven (Conn.): Yale Univ. Press. 1943.

Weigert, H. W. Generals and geographers. Pp. 285. London: Oxford Univ. Press. 1943.

Articles

Air Transport. Air transport, II. Round Table. Dec., 1943.

———. Air liners of the postwar period. *F. G. Miles.* Wings for shipping. *Sydney S. Gampell.* Empire Rev. Dec., 1943.

———. Air transport in the Pacific; a British view. *K. M. Beaumont.* Pacific Affairs. Dec., 1943.

———. The future of air transport; a British view. *Peter Masefield.* Atlan. Mo. Jan., 1944.

———. The future of international airways. *Blair Bolles.* Harper's. Jan., 1944.

Alaska Highway. On the Alaska highway. *J. J. Honigmann.* Dalhousie Rev. Jan., 1944.

American Foreign Relations. On the task of American legal scholarship in regard to Soviet-American cultural relations. *Mitchell Franklin.* Lawyers Guild Rev. July-Aug., 1943.

———. Postwar plans. *John Biggs, Jr.* Fed. Bar Assoc. Jour. Dec., 1943.

———. America facing facts. Round Table. Dec., 1943.

Argentina. Argentina; postwar threat to the Americas. *Lloyd Mallan.* Va. Quar. Rev. Winter, 1944.

Austria. The resurrection of Austria. *Ernst Klein.* Fortnightly. Nov., 1943.

Axis. The five fatal mistakes of the axis. *Albert Carr.* Harper's. Feb., 1944.

Balance of Power. The balance of power in theory and practice. *Sir J. A. R. Marriott.* Nine. Cent. and After. Dec., 1943.

Balkans. European relief and the Balkans. *Herman H. Browne.* New Europe. Dec., 1943.

British Empire. Problems of empire defence. *C. B. Thorne.* Empire Rev. Dec., 1943.

Bulgaria. Bulgaria and the war, I. *C. M. C.* Bull. of Int. News. Nov. 13, 1943.

Colonies. Recent achievements in colonial development. *Sir William McLean.* Empire Rev. Dec., 1943.

———. Future of Italy's colonies. *Edward S. Kleinlerer.* New Europe. Jan., 1944.

Danube. An economic federation for the Danube basin. *Robert Rie.* World Affairs Interpreter. Winter, 1944.

Denmark. Denmark's costly revolt. *Joachim Joesten.* Va. Quar. Rev. Winter, 1944.

Egypt. Foreign rule in Egypt. *S. Vere Pearson.* Am. Jour. of Econ. and Sociol. Oct., 1943.

Europe. The future of Europe. *George B. de Huszár.* New Europe. Dec., 1943.

Far East. The future of southeast Asia. *J. O. M. Broek.* Far Eastern Survey. Dec. 22, 1943.

Food. The international food movement. *J. D. Black.* Food policies of the united nations. *J. A. Flexner.* Am. Econ. Rev. Dec., 1943.

Geopolitics. The geopolitics of war; total war and geostrategy. *Andrew Gyorgy.* Jour. of Politics. Nov., 1943.

Germany. Germany and the European nation. *Albert Guérard.* Antioch Rev. Dec., 1943.

———. The 'war guilt' of the German people. *F. A. Hermens.* Am. Jour. of Econ. and Sociol. Jan., 1944.

Governments in Exile. Governments-in-exile and the effect of their expropriatory decrees. *Samuel A. Lourie* and *Max Meyer.* Univ. of Chicago Law Rev. Dec., 1943.

Hostages. The taking of hostages in theory and practice. *Ellen Hammer* and *Mariana Salvin.* Am. Jour. of Int. Law. Jan., 1944.

Hungary. Hungarian policy and the war. *C. M. C.* Bull. of Int. News. Oct. 30, 1943.

———. Hungary; a Danubian problem. *Richard Schuller.* Soc. Research. Feb., 1944.

Inter-American Relations. The coördination of Inter-American peace agreements. *Charles G. Fenwick.* Am. Jour. of Int. Law. Jan., 1944.

———. Canadian-American partnership in the Pacific northwest. *W. L. Morton.* Far Eastern Survey. Jan. 26, 1944.

———. Havana; hub of Inter-Americanism. *Joseph F. Thorning.* World Affairs. Dec., 1943.

International Conferences. The Moscow conference. Bull. of Int. News. Nov. 13, 1943.

———. Moscow; Cairo; Teheran. *Pitman B. Potter.* Am. Jour. of Int. Law. Jan., 1944.

International Coöperation. Differing political ideologies and postwar international coöperation. *Symposium.* Power politics and international coöperation. *Frank Jonas.* World Affairs Interpreter. Winter, 1944.

International Law. The prohibition of war by international law. *J. L. Brierly.* Agenda. Nov., 1943.

———. Just war; a legal concept? *Arthur Nussbaum.* Mich. Law Rev. Dec., 1943.

Ireland. Henry George; the fight for Irish freedom. *A. G. de Mille.* Am. Jour. of Econ. and Sociol. Jan., 1944.

Isolation. Isolation; whether in war or in peace. *H. C. Boultbee.* Dalhousie Rev. Jan., 1944.

International Trade and Finance. The plans for an international clearing system. *E. Victor Morgan.* Economica. Nov., 1943.

———. Britain's postwar trade and world economy. *Howard P. Whidden, Jr.* For. Policy Rep. Dec. 15, 1943.

———. International currency agreements. *Kalman Stein.* New Europe. Dec., 1943.

———. Enough rope. *Charles M. Wilson.* Inter-American. Dec., 1943.

———. Socialist planning and international economic relations. *B. F. Hoselitz.* Am. Econ. Rev. Dec., 1943.

———. Economic peace through private agreements. *J. Anton de Haas.* Harvard Bus. Rev. Winter, 1944.

———. Opportunities in Latin America. *Virginia Prewett.* Am. Mercury. Jan., 1944.

———. How tariffs can free trade. *Bernard B. Smith.* Harper's. Jan., 1944.

———. International black market. *Josef Hänc.* Free World. Jan., 1944.

Jewry. Zionism and the Jewish problem. *Cecil Roth.* Contemp. Rev. Dec., 1943.

———. Jewish right, Christian power. *Horace M. Kallen.* Can anti-semitism be outlawed? *Solomon Andhil Fineberg.* Contemp. Jewish Record. Dec., 1943.

Labrador. Labrador; yesterday and today. *James Kerr.* Nat. Rev. Dec., 1943.

League of Nations. International organization and world peace; a critique of the league of nations covenant. *Hugh M. Wood.* Minn. Law Rev. Dec., 1943.

———. The general committee and other auxiliary committees of the league assembly. *Howard B. Calderwood.* Am. Jour. of Int. Law. Jan., 1944.

Lebanon. The Lebanon. *J. Anderson Burley.* Nine. Cent. and After. Dec., 1943.

Mandates. Those Japanese mandates. *C. Hartley Grattan.* Harper's. Jan., 1944.

Migration. Postwar migration problems; the far east. *Bruno Lasker.* Social Forces. Dec., 1943.

Monroe Doctrine. Carlos de Alvear and James Monroe; new light on the origin of the Monroe doctrine. *Thomas B. Davis, Jr.* Hisp. Am. Hist. Rev. Nov., 1943.

Near East. The near east today and tomorrow. *W. R. Taylor.* Univ. of Toronto Quar. Jan., 1944.

Norway. Hitler's northern legions. *Kurt Singer.* World Affairs Interpreter. Autumn, 1943.

Occupation of Enemy Territory. The occupation of enemy territory. *Symposium.* Pub. Opinion Quar. Winter, 1943.

———. Public records under military occupation. *Ernst Posner.* Am. Hist. Rev. Jan., 1944.

Oil. Oil fields in the Arctic. *Wallace E. Pratt.* Harper's. Jan., 1944.

———. Oil in central and eastern Europe. *F. P. Hellin.* New Europe. Jan., 1944.

Peace Problems. Prerequisites of peace. *William F. Roemer.* Notre Dame Lawyer. Sept., 1943.

———. Some premises of peace. *Wiley Rutledge.* Rocky Mt. Law Rev. Dec., 1943.

———. British commonwealth and U. S. A. must mend the world. *J. J. Mallon.* Empire Rev. Dec., 1943.

———. The powers and the peace. Round Table. Dec., 1943.

———. Psychological disarmament of the German people. *Philip M. Brown.* Religious resources for peace. *Howard C. Robbins.* World Affairs. Dec., 1943.

———. Should Germany be broken up? *Peter Mathews.* Reëducation in Germany. *Hilda Monte.* Contemp. Rev. Dec., 1943.

———. Various Germanys and one Europe. *Frederick Jellinek.* Nat. Rev. Dec., 1943.

———. Fourth report of the commission to study the organization of peace. Int. Concil. Jan., 1944.

———. The unanimity of the moralists on the peace. *D. A. MacLean.* Am. Jour. of Econ. and Sociol. Jan., 1944.

———. Essentials of a permanent peace. *Morris S. Greth.* Social Sci. Jan., 1944.

———. Our government's plan for a defeated Japan. *Kingsbury Smith.* Am. Mercury. Jan., 1944.

———. The Bear at the conference table. *Joseph S. Brusher.* Catholic World. Feb., 1944.

———. Germany and a Christian peace. *F. A. Hermens.* Catholic World. Feb., 1944.

Political Geography. The northward course. *Hans W. Weigert.* Va. Quar. Rev. Winter, 1944.

Rehabilitation. U.N.R.R.A., a step toward reconstruction. *Vera Micheles Dean.* For. Policy Rep. Jan. 1, 1944.

———. U.N.R.R.A.; a real step toward international collaboration. *Josef Hänc.* T.V.A.; an inspiration for world reconstruction. *James P. Pope.* Free World. Jan., 1944.

———. The first session of the council of the U.N.R.R.A. *Philip C. Jessup.* Am. Jour. of Int. Law. Jan., 1944.

———. An Inter-American pattern for war-area rehabilitation. *J. M. Clark.* Am. Jour. of Econ. and Sociol. Jan., 1944.

Rubber. Rubber—at a price. *Harry J. Tomlinson.* Inter-American. Jan., 1944.

Rumania. Rumania's foreign policy. *Pavel Pavel.* New Europe. Dec., 1943.

Russia. The old and new Russia. *B. V. Morkovin.* World Affairs Interpreter. Autumn, 1943.

———. The soviet and eastern Europe. *G. W. Keeton.* Soviet patriotism and the war. *Walter J. Kolarz.* Fortnightly. Nov., Dec., 1943.

———. Moscow and after. *M. Philips Price.* Contemp. Rev. Dec., 1943.

———. Constants in Russian foreign policy, II. *Editor.* Nine. Cent. and After. Dec., 1943.

———. The Russian-Polish controversy. *A. Th. Polyzoides.* World Affairs Interpreter. Winter, 1944.

———. Where will Stalin stop? *J. F. B. Livesay.* Dalhousie Rev. Jan., 1944.

Scandinavia. Regional collaboration in Scandinavia. *Sverre Arestad.* Dec., 1943.

Thailand. Siam in this war and the last. *Chula Chakrabongse.* Fortnightly. Dec., 1943.

War. The defence power and total war. *B. Sugerman* and *W. J. Dignam.* Australian Law Jour. Nov., 1943.

———. Counting heads. The Dnieper battles. *Sir Charles Gwynn.* The war at sea. The far east and the Mediterranean. *Sir Herbert Richmond.* Fortnightly. Nov., Dec., 1943.

———. Expanding horizons. Strategy of the war. Round Table Dec., 1943.

———. Unceasing blows. *Jules Menken.* Nat. Rev. Dec., 1943.

———. Progress of the struggle. *Norman Angell.* Free World. Jan., 1944.

———. Preparation for invasion. *C. Lester Walker.* Harper's. Feb., 1944.

War Crimes. The law and procedure of war crime trials. *Albert G. D. Levy.* The utility of the proposed trial and punishment of enemy leaders. *C. Arnold Anderson.* Am. Pol. Sci. Rev. Dec., 1943.

———. Collective and individual responsibility in international law with particular regard to the punishment of war criminals. *Hans Kelsen.* Calif. Law Rev. Dec., 1943.

World Court. Twenty-second year of the permanent court of international justice. *Manley O. Hudson.* Am. Jour. of Int. Law. Jan., 1944.

World Organization. Some basic sociological postulates underlying world organization and peace. *J. O. Hertzler.* Social Forces. Dec., 1943.

———. United nations and a federal union. *Owen J. Roberts.* World Affairs. Dec., 1943.

JURISPRUDENCE

Books and Pamphlets

Arce, Alberto G. Manual de derecho internacional privado mexicano. Pp. 525. Guadalajara: Libreria Font. 1943.

Reckless, Walter C. The etiology of delinquent and criminal behavior; a planning report for research. Pp. 169. N.Y.: Soc. Sci. Research Council. 1943.

Articles

Administration of Justice. Report of committee on judicial administration. *Charles F. Fletchinger.* La. Law Rev. Dec., 1943.

Admiralty. Admiralty right to maintenance and cure. Ill. Law Rev. Nov.-Dec., 1943.

Air Law. Trans-polar aviation and jurisdiction over Arctic airspace. *Elmer Plischke.* Am. Pol. Sci. Rev. Dec., 1943.

Bar. Bar integration in the United States in 1943. *Glenn R. Winters.* Jour. Bar Assoc. of Kan. Nov., 1943.

———. Counseling to win the war and the peace. *Donald S. Frey.* N. Y. Bar Assoc. Bull. Dec., 1943.

Common Law. The early pattern of the common law. *Nellie Neilson.* Am. Hist. Rev. Jan., 1944.

Comparative Law. The legal systems of Latin America as democratic institutions. *Mitchell Franklin.* Lawyers Guild Rev. Sept.-Oct., 1943.

———. The status of the United States forces in English law. *Egon Schwelb.* Am. Jour. of Int. Law. Jan., 1944.

Contempt. Contempt of injunctions, civil and criminal. *Joseph Moskovitz.* Columbia Law Rev. Sept., 1943.

Contracts. Contract defaults and cancellations in wartime. *Donald S. Frey.* Ill. Law Rev. Nov.-Dec., 1943.

———. Contractual problems of war and peace. *Donald S. Frey.* Va. Law. Rev. Dec., 1943.

Crime. The effects of the war on crime. *Walter Bromberg.* Am. Sociological Rev. Dec., 1943.

Criminal Negligence. A rationale of criminal negligence, II. *Roy Moreland.* Ky. Law Jour. Jan., 1944.

Defamation. The changing libel scene. *Frank Thayer.* Wis. Law Rev. May, 1943.

Delinquency. Delinquency and its outcome in court and college. *Austin L. Porterfield.* Am. Jour. of Sociol. Nov., 1943.

———. Venezuela salvages her youth. *Wanda A. Misback.* Inter-American. Jan., 1944.

———. Juvenile delinquency in the average Wisconsin city. *Ernest P. Agnew.* The Municipality. Jan., 1944.

———. The complainant in the juvenile court. *Austin L. Porterfield.* Sociology and Soc. Research. Jan.-Feb., 1944.

———. Juvenile delinquency. *Katherine F. Lenroot.* Am. Federationist. Feb., 1944.

Holmes. Justice Holmes and his world. *Louis B. Boudin.* Lawyers Guild Rev. July-Aug., 1943.

Judicial Notice. Judicial notice. *Edmund M. Morgan.* Harvard Law Rev. Jan., 1944.

Judicial Review. The French parlements and judicial review. *Louis Gottschalk.* Jour. of Hist. of Ideas. Jan., 1944.

Judiciary. Freedom of litigation, I. *Leon Green.* Ill. Law Rev. Nov.-Dec., 1943.

Jurisprudence. An outline of taught law; notes on American legal philosophy; the beginnings to Holmes and Pound. *Harold G. Reuschlein.* Minn. Law Rev. Dec., 1943.

———. Law and learning theory; a study in legal control. *Underhill Moore* and *Charles C. Callahan.* Yale Law Jour. Dec., 1943.

Jury. Why not a struck jury? *Julian C. Wilson.* Miss. Law Jour. Nov., 1943.

Justice. The natural law of justice. *Francis Neilson.* Am. Jour. of Econ. and Sociol. Jan., 1944.

Law. Interrelations of criminal law and torts, I. *Jerome Hall.* Columbia Law Rev. Sept., 1943.

Legal Aid. Wartime opportunities in legal aid work. *John S. Bradway.* Jour. of Am. Judicature Society. Dec., 1943.

———. Legal aid to soldiers in the British army. *Ernst J. Cohn.* Univ. of Pa. Law Rev. Dec., 1943.

Legal Education. English legal education. *M. E. Bathurst.* Lawyers Guild Rev. July-Aug., 1943.

———. Reform in the Scottish law school. *Andrew D. Gibb.* Jurid. Rev. Dec., 1943.

Legal History. The language of English law. *G. E. Woodbine.* Speculum. Oct., 1943.

———. Indiana jurisprudence; mainly in retrospect. *Iden S. Romig.* Notre Dame Lawyer. Dec., 1943.

———. The place of the war of independence in Scottish legal history. *William E. Levie.* Jurid. Rev. Dec., 1943.

———. Swedish contributions to our law. *Robert H. Jackson.* Pa. Bar Assoc. Quar. Jan., 1944.

Marriage. Common law marriage in Mississippi. *Larry A. Pacific.* Miss. Law Jour. Nov., 1943.

Martial Law. Martial law, military government, and the writ of habeas corpus in Hawaii. *Garner Anthony.* Calif. Law Rev. Dec., 1943.

Medicine. Scientific proof and relations of law and medicine. *Hubert W. Smith.* Canadian Bar Rev. Nov., 1943.

Military Law. Liability of the United States and Canadian governments for tortious conduct of their military personnel. Yale Law Jour. Dec., 1943.

Penology. Changing concepts of crime and punishment. *Leon R. Yankwich.* Georgetown Law Jour. Nov., 1943.

———. The future treatment of the adult offender. *Margery Fry.* Agenda. Nov., 1943.

———. Correctional institutions in the postwar era. *Edward R. Cass.* Jour. of Crim. Law and Criminol. Nov.-Dec., 1943.

Poland. War and law. *J. K. Mikliszanski.* Jour. of Crim. Law and Criminol. Nov.-Dec., 1943.

Probate. The development of the Massachusetts probate system. *Thomas E. Atkinson.* Mich. Law Rev. Dec., 1943.

Procedure. Hocus-pocus legal procedure; a need for reform. *O. B. Triplett, Jr.* Miss. Law Jour. Nov., 1943.

———. Commentaries on the new Iowa rules of civil procedure. *Symposium.* Ia. Law Rev. Nov., 1943.

———. The Austrian civil procedure. *Egon E. Bergel.* Jour. Bar Assoc. of Kan. Nov., 1943.

———. Some comments on the proposed federal rules of criminal procedure. *Wendell Berge.* Jour. of Crim. Law and Criminol. Nov.-Dec., 1943.

———. The proposed federal rules of criminal procedure. *John B. Waite.* Jour. of Am. Judicature Society. Dec., 1943.

———. The preliminary draft of the federal rules of criminal procedure. *Lester B. Orfield.* Tex. Law Rev. Dec., 1943.

———. The proposed federal rules of criminal procedure. *Wendell Berge.* Mich. Law Rev. Dec., 1943.

———. New California rules on appeals. *B. E. Witkin.* So. Calif. Law. Rev. Jan., 1944.

Psychology. Law and psychology. *Ranyard West.* Ethics. Jan., 1944.

Res Judicata. Res judicata and its applicability to judgments. *Frederick Green.* Minn. Law Rev. Jan., 1944.

LOCAL GOVERNMENT

Books and Pamphlets

Bradshaw, William L. County government manual for the Missouri constitutional convention of 1943. Pp. 58. Columbia (Mo.): Author. 1943.

Caldumbide, Alberto G. Administración municipal; organización del régimen municipal. Pp. 310. Buenos Aires: Talleres Gráficos "Oceana." 1942.

Leonard, James M. A study of the Kansas City police department. Pp. 123. Kansas City (Mo.): Civic Research Inst. 1943.

Proceedings of the fourth annual southern institute of local government, 1943. Pp. 84. Knoxville (Tenn.): Univ. of Tenn. 1943.

Simon, Herbert A. Fiscal aspects of metropolitan consolidation. Pp. 67. Berkeley (Calif.): Bur. of Pub. Admin., Univ. of Calif. 1943.

Stoner, John E., and *Field, Oliver P.* Police administration in an Indiana defense community. Pp. 52. Bloomington (Ind.): Bur. of Govt. Research, Dept. of Govt., Ind. Univ. 1943.

Articles

Airports. Air traffic and airports in relation to urban planning, II. *William A. M. Burden.* Am. City. Dec., 1943.

———. The future of municipal airports. *John J. Hogan.* Ill. Mun. Rev. Jan., 1944.

China. Wartime local government in China. *Chien Tuan-sheng.* Pacific Affairs. Dec., 1943.

City Government. The human side of city hall. *Phillips Bradley.* Am. City. Jan., 1944.

City Manager. Government in small council-manager cities. Pub. Management. Jan., 1944.

Coöperation. Intermunicipal coöperation in the Americas. *Carlos M. Morán.* Pub. Management. Dec., 1943.

County Government. County and township government in 1942. *Clyde F. Snider.* Am. Pol. Sci. Rev. Dec., 1943.

Finance. Financial problems confronting Wisconsin cities and villages. The Municipality. Feb., 1944.

Housing. Factory-built houses an urban threat. *Albert C. Schweizer.* Am. City. Dec., 1943.

———. Postwar planning for urban housing. *Hugh R. Pomeroy.* Pub. Management. Jan., 1944.

Institute of Government. A North Carolina experiment. *Paul W. Wager.* Nat. Mun. Rev. Feb., 1944.

Internship Program. City hall looks to the colleges. *Harold Seidman.* Nat. Mun. Rev. Feb., 1944.

Louisville. Louisville advances on many fronts. *Wilson W. Wyatt.* Am. City. Jan., 1944.

———. The mayor gets things done. *Webb Waldron.* Nat. Mun. Rev. Jan., 1944.

Municipal Insurance. How to reduce municipal insurance costs. Pub. Management. Jan., 1944.

Personnel. Community resources of personnel agencies. *Henry J. McFarland.* Credit advice for city employees. *Harry W. Marsh* and *Louis E. Yavner.* Pub. Personnel Rev. Jan., 1944.

———. Union agreements with municipalities. Am. City. Jan., 1944.

———. Selection of fire-fighters in New Orleans. *Jack W. Foster.* La. Mun. Rev. Jan.-Feb., 1944.

Planning. Texas cities must plan now. *J. Woodall Rodgers.* Tex. Municipalities. Dec., 1943.

———. Postwar patterns for cities. *Wilson W. Wyatt.* Ill. Mun. Rev. Dec., 1943.

———. Sees need for urban, rural coöperation. *Ernest L. Anthony.* Mich. Mun. Rev. Dec., 1943.

———. Dallas prepares for the future. *V. R. Smitham.* Nat. Mun. Rev. Feb., 1944.

Police. How San Diego police handle juvenile delinquency. *Clifford E. Peterson.* Western City. Jan., 1944.

Records. Five county record books on a hundred feet of film. *Walter H. Wickins.* Am. City. Jan., 1944.

Sanitation. Refuse disposal by sanitary fill. *Jean L. Vincenz.* Western City. Jan., 1944.

Streets. Street and highway programs. *Wesley W. Polk.* Ill. Mun. Rev. Dec., 1943.

Taxation. Anomalies and inequalities in local rating. *F. W. Showers.* Pub. Admin. Oct.-Dec., 1943.

———. Detroit taxes excess profits. *Richard A. Sullivan.* Pub. Util. Fort. Feb. 3, 1944.

Tokyo. Tokyo since Pearl Harbor. *John Morris.* Harper's. Feb., 1944.

POLITICAL THEORY AND MISCELLANEOUS

Books and Pamphlets

Baxter, Bernice, and *Cassidy, Rosalind F.* Group experience; the democratic way. Pp. 235. N. Y.: Assoc. Press. 1943.

Bennett, Owen. The nature of demonstrative proof according to the principles of Aristotle and St. Thomas Aquinas. Pp. 97. Wash.: Catholic Univ. of America Press. 1943.

Bernardo, Héctor. El régimen corporativo y el mundo actual. Pp. 53. Buenos Aires: Adsum. 1943.

Blodgett, Ralph H. Comparative economic systems. Pp. 845. N. Y.: Macmillan. 1944.

Brown, Earl. Why race riots? Lessons from Detroit. Pp. 31. N. Y.: Pub. Affairs Committee. 1944.

Burnham, John. Total war; the economic theory of a war economy. Pp. 339. Boston: Meador. 1943.

Cue Cánovas, Agustin. Historia del capitalismo. Pp. 249. Mexico City: Talleres de Imp. Grafos. 1943.

Democracy; should it survive? Pp. 159. Milwaukee: Bruce. 1943.

Gabriel, Ralph H. The course of American democratic thought. Pp. 458. N. Y.: Ronald Press. 1943.

Gathings, James A. An introduction to political science. Rev. ed. Pp. 305. Ann Arbor (Mich.): Edwards Bros. 1943.

Gretton, George H. Victory begins at home; a programme of minimum war aims. Pp. 183. N. Y.: Norton. 1944.

Heering, Gerrit Jan. The fall of Christianity; a study of Christianity, the state, and war. Pp. 253. N.Y.: Fellowship Publications. 1943.

Lerner, Abba P. The economics of control. Pp. 474. N.Y.: Macmillan. 1944.

Levy, S. Leon. Nassau W. Senior; the prophet of modern capitalism. Pp. 454. Boston: Bruce Humphries. 1944.

Lohr, Frederick. Anarchism; a philosophy of freedom. Pp. 68. London: F. Lohr. 1942.

Macdonald, C. and *G.* Freeing democracy. Pp. 108. London: Mitre Press. 1943.

Marsh, Frank B. Modern problems in the ancient world. Pp. 123. Austin (Tex.): Univ. of Tex. Press. 1943.

Articles

Anglo-Saxon Tradition. Are Americans foreigners? *George Catlin.* Fortnightly. Nov., 1943.

Capitalism. The Protestant ethic and the spirit of capitalism; the history of a controversy. *Ephraim Fischoff.* Soc. Research. Feb., 1944.

Catholic Church. Salvemini, the Catholic church, and fascism. *Harry H. Flannery.* Free World. Jan., 1944.

Conservatism. Tradition and propaganda. *Francis G. Wilson.* Jour. of Politics. Nov., 1943.

Democracy. The theory of democracy. *Thomas F. Woodlock.* Am. Jour. of Econ. and Sociol. Oct., 1943.

———. The dilemma of democracy. *John M. Murry.* Fortnightly. Nov., 1943.

———. Democracy and internationalism. *Carl D. Wells.* Sociology and Soc. Research. Jan.–Feb., 1944.

Economic Philosophy. Economics in a unified world. *Wesley C. Mitchell.* Soc. Research. Feb., 1944.

Government and Business. The laissez-faire state in relation to the national economy. *Clem C. Linnenberg, Jr.* Southwestern Soc. Sci. Quar. Dec., 1943.

Group Health Plans. Group health plans; some legal and economic aspects. Yale Law Jour. Dec., 1943.

History. Politics and history in the age of enlightenment. *Friedrich Engel-Janosi.* Jour. of Politics. Nov., 1943.

Hobbes. Hobbes revisited. *D. P. Heatley.* Jurid. Rev. Dec., 1943.

Hooker. Of the Laws of Ecclesiastical Polity; first form. *Hardin Craig.* Jour. of Hist. of Ideas. Jan., 1944.

Humanism. Scientific humanism. *M. C. Otto.* Antioch Rev. Dec., 1943.

———. Humanism and modern sciences. *M. Whitcomb Hess.* True Christian humanism. *Walter P. Burke.* Catholic World. Jan., Feb., 1944.

Ideology. Ideology as a means of social control, I and II. *Joseph S. Roucek.* Am. Jour. of Econ. and Sociol. Oct., 1943, Jan., 1944.

Jefferson. Jefferson and the freedom of the human spirit. *Claude G. Bowers.* The enlightenment in Thomas Jefferson. *Herbert W. Schneider.* Jefferson among the philosophers. *Gilbert Chinard.* The arts and Thomas Jefferson. *H. M. Kallen.* Jefferson as a planner of national resources. *Charles E. Merriam* and *Frank P. Bourgin.* Thomas Jefferson and the perfectibility of mankind. *T. V. Smith.* Ethics. July, 1943.

Marx. Man of his century; a reconsideration of the historical significance of Karl Marx. *Solomon F. Bloom.* Jour. of Pol. Econ. Dec., 1943.

Moral Philosophy. The moral foundations of economics. *Rockwell D. Hunt.* World Affairs Interpreter. Autumn, 1943.

———. "Rationality" in conduct; Wallas and Pareto. *Monroe Curtis Beardsley.* Ethics. Jan., 1944.

National Socialism. The common man on trial. *Helmut Kuhn.* Rev. of Politics. Jan., 1944.

Natural Law. The rights of man and natural law. *Frank H. Knight.* Ethics. Jan., 1944.

Oppenheimer. Franz Oppenheimer's economic ideas. *Eduard Heimann.* Soc. Research. Feb., 1944.

Political Philosophy. Recent French politics and literature. *Marcel Tirol.* Queen's Quar. Winter, 1943–1944.

———. The education of man. *Frank O'Malley.* Rev. of Politics. Jan., 1944.

Public Opinion. Public opinion, we may be sure, has a fine future! *Raymond S. Tompkins.* Pub. Util. Fort. Feb. 3, 1944.

Pym. John Pym. *S. Reed Brett.* Fortnightly. Dec., 1943.

Races. Democratic government eases racial strife. *Martin H. Bickham.* Ill. Mun. Rev. Jan., 1944.

———. Race-thinking before racism. *Hannah Arendt.* Rev. of Politics. Jan., 1944.

Radicalism. A revival of political radicalism? *Francis Neilson.* Am. Jour. of Econ. and Sociol. Oct., 1943.

Research. Militarization as a research field. *Leonard Bloom.* Sociology and Soc. Research. Jan.–Feb., 1944.

Social Sciences. Education and the social sciences. *George D. Stoddard.* Preliminaries to synthesis in the social sciences. *J. H. Fichter.* The failure of the social sciences. *Glenn E. Hoover.* Am. Jour. of Econ. and Sociol. Oct., 1943.

Thoreau. Henry David Thoreau; transcendental individualist. *Charles A. Madison.* Ethics. Jan., 1944.

Vichy Régime. The political theory of Vichy. *Gladys M. Kammerer.* Jour. of Politics. Nov., 1943.

War. Belligerent power. *L. E. O. Charlton.* Fortnightly. Dec., 1943.

———. Global war and the study of history. *George Haines, IV.* Social Forces. Dec., 1943.

———. The meaning of the present conflict. *T. Swann Harding.* Am. Jour. of Econ. and Sociol. Jan., 1944.

Wilson. Woodrow Wilson; prophet. *Ray S. Baker.* World Affairs Interpreter. Winter, 1944.

GOVERNMENT PUBLICATIONS

MILES O. PRICE

Law Library, Columbia University

AMERICAN

UNITED STATES

Censorship Office

Code of wartime practices for American press. Edition of Dec. 1, 1943. Washington: Govt. Ptg. Off., 1943. 14 p. *Same:* Code of wartime practices for American broadcasters. Edition of December 1, 1943. Washington: Govt. Ptg. Off., 1943. 8 p.

Commerce Department

Census bureau. City finances, 1943: v. 2, Topical reports. no. 1, city debt on June 30, 1943 (cities covered are those having populations over 25,000). Washington, 1943. 16 p. [Processed.]

——— State finances. 1943. v. 1, Individual state reports. (Reports for individual states, for the fiscal year ended June 30, 1943, are being issued in processed form, averaging about 7 pages each.)

——— Population: v. 4, Characteristics by age, marital status, relationship, education, and citizenship, pt. 1, United States summary. Washington: Govt. Ptg. Off., 1943. xii, 183 p. (16th census, 1940) $1.25.

——— Retirement systems for state and local government employees, 1941. Oct., 1943. Washington, 1943. viii, 144 p. (State and local government special study, 17, final) [Processed.]

Foreign and domestic commerce bureau. The United States in the world economy: the international transactions of the United States during the interwar period. Prepared in the international economics and statistics unit, by Hal B. Lary and associates . . . Washington, G. P. O., 1943. viii, 216 p. illus. tables. (U. S. Bureau of foreign and domestic commerce. Economic series no. 23.)

Congress

House of representatives. executive agencies, special committee to investigate. Reports. (The second and third intermediate reports have to do with the O. P. A., alleged seizure of judicial and legislative functions of the Government by the O. P. A., and price-fixing on meats. Washington, G. P. O., 1943, 27, 13 pages, respectively.)

Insular affairs committee. Investigation of political, economic, and social conditions in Puerto Rico, hearings, 78th Cong., 1st sess., pursuant to H. Res. 159 . . . Washington: Govt. Ptg. Off., 1943. pt. 14, 1173–1318 p.

Judiciary committee. Constitutional amendment to reduce voting age to 18, hearings before subcommittee no. 1, 78th Cong., 1st sess., on H. R. Res 39, proposing amendment to Constitution of United States, extending right to vote to citizens 18 years of age or older, Oct. 20, 1943. Washington: Govt. Ptg. Off., 1943. 13 p. 5¢.

House of representatives. Ways and means committee. Renegotiation of war contracts, hearings, 78th Cong., 1st sess., on H. R. 2324, H. R. 2698, and H. R. 3015, bills to amend 6th supplemental national defense appropriation act of 1942 . . . Washington: Govt. Ptg. Off., 1943. 1100 p. (revised print). $1.50.

Senate. Expenditures and commitments by United States government in or for Latin America, report by Hugh Butler relative to expenditures by United States . . . and reply to such report made by Kenneth McKellar, with accompanying papers from heads of departments verifying same . . . Washington: Govt. Ptg. Off., 1943. xi, 170 p. (S. Doc. 132, 78th Cong., 1st sess). 20¢.

——— *Judiciary committee.* Poll taxes, report to accompany H. R. 7 [making unlawful requirements for payment of poll tax as prerequisite to voting in primary or other election for national officers . . .] Washington: Govt. Ptg. Off., 1943. 41 p. (S. Rep. 530)

——— *Military affairs committee.* Manpower, national war service bills, summation of testimony before Senate and House of Representatives committees on military affairs regarding S. 666 and H. R. 1742 . . . system of civilian selective war service with aid of selective service system . . . by Arthur L. Williston. Washington: Govt. Ptg. Off., 1943. iii, 34 p.

General Accounting Office

United States government salary tables. Oct. 30, 1943. Washington: Govt. Ptg. Off., 1943. 40¢.

Interior Department

National park service. Jamestown Island. Oldest legislative assembly in America and its first statehouse [with bibliography; by Charles E. Hatch, Jr.] Washington: Govt. Ptg. Off., 1943. 30 p. il. 10¢.

Labor Department

Labor statistics bureau. Division of historical studies of wartime problems. Settlement of claims arising under canceled war contracts, 1918–1926; by J. D. Edwards illustrated with six case studies, by D. B. Howard. Washington, 1943. 135 p. (mim.)

Library of Congress

Bibliography division. (Bibliographies, compiled by Helen F. Conover, have been issued on the Balkans, Albania, Bulgaria, Rumania, Yugoslavia. Processed.)
Legislative reference service. Abstracts of postwar literature. (The legislative reference service issues a mimeographed series of releases, abstracting books, pamphlets, periodicals, and government documents. Numbers 276–300 were released in December, 1943. Of considerable interest, they are supposedly reserved for distribution to members of the Congress.)

Navy Department

Office of records administration. Administrative office. Administrative reference service reports. (This series of reports, begun in 1943, during which year five were published, are issued in processed form, ranging from 15 to 100 pages in length, and are for the study of naval officers confronted with problems of international law in relations with foreign countries, particularly occupied ones. No. 2, prepared by Henry P. Beers, relates to the U. S. Naval detachment in Turkish waters, 1919–24; No. 4, by A. C. Davidonis, to the American Naval mission in the Adriatic, 1918–1921; no. 5, by Henry P. Beers, to the U. S. Naval forces in Northern Russia, 1918–1919.)

President

The war messages of Franklin Delano Roosevelt to the people of the United States, to the Congress of the United States, and to other nations; supplement Nov. 7, 1942–July 30, 1943. Washington: Govt. Ptg. Off., 1943. 71 p.
National resources planning board. Estimates of future population of United States, 1940–2000; prepared by Warren S. Thompson and P. K. Whelpton. Washington: Govt. Ptg. Off., 1943. 137 p. 35¢.

State Department

Damages in international law; by Marjorie M. Whiteman. Washington: Govt. Ptg. Off., 1943. v. 3. iv, 1553–2242 p. (Publication 2005). $2.25.
Digest of international law; by Green Haywood Hackworth. v. 7. Washington: Govt. Ptg. Off., 1943. v, 709 p. $1.75.
Foreign relations of the United States, 1929. (In three volumes) Volume 1. Washington: Govt. Ptg. Off., 1942. 1035 p. $2.25.

Treasury Department

Federal, state, and local government—fiscal relations; a report by a special committee designated to conduct a study on intergovernmental fiscal relations in the United States. Washington: Govt. Ptg. Off., 1943. 595 p. (78th Cong., 1st sess., Senate Doc. 69.)

Works Projects Administration

Historical records survey. Presidential executive orders. v. 1, List; v. 2, Index. New York, Hastings House, 1944. 2 v. $12.44.

STATE AND TERRITORIAL

CALIFORNIA

Legislature. Manual of legislative procedure for state legislatures and other legislative bodies, by Paul Mason. Sacramento, State Pr. Off., 214 State Capitol, 1943. 564 p. $1.50.

University of California, Berkeley. Bureau of public administration. Fiscal aspects of metropolitan consolidation, by H. A. Simon. Berkeley, 1943. 67 p. (Administrative measurement studies, no. 3.) $1.00.

——— Official war publications. Guide to state, federal, and Canadian publications. Volume 6, August, 1943. By Jerome K. Wilcox . . . Berkeley, 1943. 274 p. (mim.)

ILLINOIS

Legislative council. Research department. County health departments. Report pursuant to proposal 134 sponsored by Senator Thomas P. Gunning. Springfield, 1943. ii. 25 p. (mim.). (Publication 67.)

INDIANA

University of Indiana. Bureau of government research. Judicial review of legislation in ten selected states. By O. P. Field. Bloomington, 1943. 81 p. tables. (Study no. 12).

IOWA

Ames, Iowa. City council. The ordinances, 1943. Ames, 1943. 326 p. tables, map.

KANSAS

Legislative council, Research department. Filing and publication of administrative regulations: experience of other states with publication and filing systems; an analysis of the operation of the Kansas filing law of 1939. By E. O. Stene. Topeka, 1943. 34 p. [Processed] (Publication no. 120)

KENTUCKY

Governor. Kentucky government: a report on the executive and administrative work of the Kentucky state government, 1939–1943. Frankfort, 1943. 74 p.

University of Kentucky. Lexington. Bureau of business research. The state auditor, by James W. Martin, Robert L. Sawyer, and S. Marie Fraser. Lexington, 1943. v, 75 p.

——— *Bureau of government research.* A decade of change in Kentucky government and politics, by J. B. Shannon, J. E. Reeves, H. Clyde Reeves, Harry R. Lynn. Lexington, 1943. 47 p. charts.

MARYLAND

Baltimore. Department of legislative reference. Ordinances and resolutions of the mayor and city council passed at the annual session, 1942–43. Baltimore, 1943. 386 p. $1.50.

MICHIGAN

University of Michigan, Ann Arbor. Bureau of government. Michigan highway finance, by Robert S. Ford and Marvin A. Bacon. Ann Arbor, University Press, 1943. viii, 191 p. (University of Michigan governmental studies no. 12).

MISSOURI

State historical society of Missouri. Constitutional convention, 1875. Debates of the Missouri constitutional convention of 1875. Volume 10. Columbia, State historical society of Missouri, 1943. 535 p.

NEW JERSEY

Legislature. Proposed revised constitution (1944) pending before joint legislative committee to formulate a draft . . . Trenton, State Library, [1944?] 26 p.
Legislature. Joint committee . . . on revision of the New Jersey constitution . . . Record of proceedings. [n.p., n.d.] Parts I–III, 1224 p. (paged continuously) (In addition to the record of the hearings held on the proposed new constitution, this contains various reports and also the texts, as amended, of earlier constitutions.)
Secretary of state. Elections, Revised statutes with amendments and supplements thereof, and other acts concerning elections to June 1, 1943, with chronological index. Trenton, 1943. xviii, 273 p.

NEW YORK

Civil service commission. The civil service law, being chapter 7 of the Consolidated Laws (as amended) together with Art. V, sec. 6, of the constitution, certain other laws relating to civil service, and rules and regulations for classified service. Albany, 1943. 212 p. 50¢.
Legislature. Joint committee on industrial and labor conditions. The American story of industrial and labor relations. Albany, Williams Press, 1943. xx, 315 p.
——— *Joint committee on the state education system.* Interim report of the New York city sub-committee . . . Albany, Williams Press, Inc., 1943. 499 p.
——— Intermediate report of the joint legislative committee on the state education system. Albany, Williams Press, 1943. 44 p.
Temporary salary standardization board. Sixth report . . . submitting a revised schedule of compensation for the positions covered by chapter 859, Laws of 1937 . . . Albany, Williams Press, 1943. 189 p.
——— *Temporary commission for the revision and codification of the laws relating to municipal finance.* Fourth report . . . Albany, Williams Press, 1943. 180 p.
New York (city). Department of investigation. Report: investigation of anti-American and anti-Semitic vandalism. W. P. Herlands, Commissioner. New York, 1944. 170 p. (mim.)
Nassau county. Comptroller. Five-year cumulative report of county of Nassau, New York, and all municipal subdivisions, showing indebtedness, assessed values, tax levies, tax rates, issue as of December 31, 1942. Mineola, L. I., 1943. 64 p.

OHIO

Ohio state university, Columbus. Bureau of educational research. Financial data for Ohio cities and exempted villages as of September, 1943 . . . compiled by T. C. Holy and R. L. Pounds. Columbus, 1943. 3, 24 p. (mim.)

OREGON

University of Oregon, Eugene. Bureau of municipal research and service. Curfew regulations in 57 Oregon cities. Eugene, 1944. 9 p. (mim.) (Information bulletin no. 57) 25¢.

——— Extraterritorial water service of cities in Oregon. Eugene, 1943. 10 p. (Information bulletin no. 54.)

PENNSYLVANIA

Pennsylvania state college. Bureau of business research. (The bureau has issued statistical abstracts of thirty or more Pennsylvania cities. These mimeographed abstracts average about nine pages).

SOUTH CAROLINA

State planning board. The growth and distribution of population in South Carolina J. J. Petty. Columbus, 1943. 233 p. (Bulletin no. 11)

TENNESSEE

University of Tennessee, Knoxville. Governmental reference service. (In 1943, Governmental reference service began the publication of a periodical, "Tennessee government.")

WASHINGTON

University of Washington, Seattle. Bureau of governmental research. A suggested basic building code for Washington cities, by Alfred L. Miller and Joshua H. Vogel. Seattle, 1943. 26 p.

WEST VIRGINIA

Supreme court of appeals. Constitutional convention, 1861–1863. Debates and proceedings of the first constitutional convention of West Virginia (1861–1863) Huntington, Gentry Brothers, Printers, 1943. 3 v. Ed. by Charles H. Ambler, Frances Haney Atwood, and William B. Mathews.

Legislature. Committee to investigate cost of state government. Report . . . Charleston, 1943. v, 400 p. tables.

WISCONSIN

Department of taxation. Receipts and disbursements of the state and all political subdivisions for the fiscal years ending on or before December 31, 1936–41. Madison, 1943. 8 p. (mim.) (Bul. 118)

Legislative reference library. Summary of the action of the 1943 regular seession of the Wisconsin legislature on some of the more important questions coming before it. Madison, 1943. 128 p.

Milwaukee. Common council. Milwaukee code of 1941, second supplement, covering the period Jan. 1, 1942–Sept. 1, 1943. Milwaukee, N. M. Gill, ed., Municipal reference library, 1943. v.p. $1.50.

FOREIGN AND INTERNATIONAL

BRAZIL

São Paulo. Estado. Secretária da justiça e negócios do interior. Reforma da organização judiciaria do estado. Estudos e anteprojetos elaborados no Governo do Sr. Interventor federal . . . São Paulo, Imp. Oficial do Estado, 1943. 135 p.

Ministério de relaciones esteriores. Resumen de la historia del Brasil . . . Jonathas Serrano . . . Rio de Janeiro, Imp. Nacional, 1943. 127 p.

CHILE

Universidad de Chile, Valparaiso. La administración comunal: memoria de prueba . . . Gustavo Lorca Rojas. Valparaíso, 1943. 169 p.

Universidad de Chile, Santiago. Escuela de ciencias jurídicas y sociales. Seminario de derecho público. Nociones sobre el asilo territorial o político. (Asilo externo) . . . Santiago de Chile, Esc. Tip. "La Gratitud Nacional," 1943. 190 p. (Colección de estudios de derecho internacional. No. II)

CUBA

Ministerio de defensa nacional. Dirección de propaganda de guerra. Del Kaiser a Hitler. Alberto G. Montes. Havana, P. Fernández y Cía., 1943. 182 p.

CZECHOSLOVAKIA

Ministry of foreign affairs. Information service. The Soviet-Czechoslovak treaty. Bubert Ripka. London, 1943. 31 p. (Czechoslovak documents and sources) (An address.)

GREAT BRITAIN

British information services. Winston Churchill, prime minister. A selection from speeches made by Winston Churchill during the four years that Britain has been at war. New York, 30 Rockefeller Plaza, 1943. n.p. illus.

Foreign office. United Nations relief and rehabilitation administration. Regulations and reports adopted by the Council at its first session, held at Atlantic City . . . December 1, 1943. London: H. M. S. O., 1943. 90 p. (Cmd. 6497) 1s.6d.

GUATEMALA

Presidente. Viajes presidenciales: breves relatos de algunas expediciones administrativas del General D. Jorge Ubico, Presidente de la República. [Por] Federico Hernández de León. Tomo II. Guatemala. Imp. "El Liberal Progresista," 1943. 546 p.

Secretaria de relaciones exteriores. Colección de tratados de Guatemala . . . Vol. II, Parte segunda. Pactos interamericanos. Guatemala, Tip Nacional, 1943. 722 p.

LITHUANIA

Lithuanian legation, Washington, D. C. (The Lithuanian legation in Washington publishes a monthly mimeographed "Current news on the Lithuanian situation.")

MEXICO

Dept. of state for foreign affairs. Bureau of international news service. The good neighbor policy and Mexicans in Texas. C. K. Stevenson and Ezequiel Padilla. Mexico, D. F., 1943. 22 p. (National . . d international problems, no. 17)

——— The political defense of the Americas. Ezequiel Padilla and others. Mexico, D. F., 1943. 46 p. (National and international problems no. 18)

PAN AMERICAN UNION

Executive committee on postwar problems. La cooperacíon económica interamericana: principios fundamentales. Washington, 1943. 40 p. (mim.) Also English and Portuguese editions.

Emergency advisory committee for political defense. Annual report. July, 1943. Washington, 1943. xii, 287 p.

Inter-American financial and economic advisory committee. Actas del Comite consultivo economico financiero interamericano: v. 18, [11 Feb. 1943–5 Aug. 1943] Washington, 1943. 2297–2337 leaves.

Juridical division. Improvement and coördination of inter-American peace instruments. (Resolution XV of the eighth international conference of American states.) Volume II. Text of the projects on improvement and coördination of the Inter-American peace instruments submitted to the eighth international conference . . . Washington, 1943. 167 p.

UNITED NATIONS INFORMATION OFFICE

Section for information and postwar reconstruction. Research and postwar planning: survey of agencies, v. 11. October, 1943. New York, 1943. $1.00.

SPECIAL NOTES ON FOREIGN DOCUMENTS

JAMES B. CHILDS
Library of Congress

The French Committee of National Liberation. With the establishment of the Comité Français de la Libération Nationale at Algiers on June 3, 1943, through the merging of the Comité National Français (London) and of the Commandement en Chef Civil et Militaire by General de Gaulle and General Giraud, a brief statement as to the form in which the various official acts of the different authorities have been, and are being, published may be helpful. We may note that particularly by the "ordonnance" of June 3, the French Committee of National Liberation exercises French sovereignty over all French territory outside the power of the enemy and at the same time assumes the right to conclude treaties and agreements with foreign powers. *Journal officiel de la République française* is the title of the gazette which has been published regularly at Algiers beginning June 10. The year has been indicated almost consistently as soixante-quinzième (75th), in continuation of the *Journal officiel de la République française* published at Paris, and unfortunately printed at Vichy since 1941 as the *Journal officiel de l'État français.* The acts of the Committee itself with the effect of law published in the Algiers *Journal officiel* are termed "ordonnances" and those by and for the commissariats or executive departments are designated as "décrets" or "arrêtés." The second ordinance (June 5, 1943) makes a provisional modification of the decree of November 5, 1870, relative to the promulgation of laws and decrees, replacing "à Paris" by the words "dans la ville où est établi le siège du Comité français de la libération nationale." All the ordinances, decrees, and orders make appropriate reference, wherever necessary, to the pertinent legislation and acts in force previous to the downfall of France in June, 1940. On January 1, 1943, Admiral F. Darlan as Haut Commissaire en Afrique at Algiers issued the first number of the *Journal officiel du haut Commissariat de France en Afrique.* The Haut Commissariat itself had been set up by Darlan through

"ordonnance" of November 16, 1942, under the authority of Constitutional Law No. 4 of February 10, 1941. The first number of the *Journal officiel* contained the ordinances promulgated in November and December, 1942. After the assassination of Admiral Darlan, General Giraud became Haut Commissaire, and then by ordinance of February 5, 1943, Commandant en Chef Français Civil et Militaire. The gazette became *Journal officiel du Commandement en Chef Français*, and continued with the same numbering until its final issue, No. 24, May 30, 1943. By declaration and ordinance of March 14, 1943, General Giraud had declared all French constitutional enactments, laws, and decrees subsequent to June 22, 1940, invalid in the territory under his control. The acts of the Comité français national at London were being printed currently in the *Journal officiel de la France Combattante*, which ceased with the issue of August 10, 1943 (3rd year, no. 9), containing the decrees and orders of April and May, 1943, and two orders of June 2, 1943, just previous to the creation of the French Committee of National Liberation at Algiers on June 3.

The announcement from Naples under date of February 10, 1944, that the Allies had restored to the government of Marshal Patro Badoglio administrative authority over southern Italy raised the question of what has been the publication record of that government since its removal from Rome during the first half of September, 1943. Under date of November 18, about two months later, the first number of a special series of the *Gazzetta ufficiale del regno d'Italia* was issued, with simply a military address (P.M. 151) and the note that the gazette was issued by the Intendant of Finance in the province where the government had its headquarters. A decree of November 10 provided that during the absence of ministers on account of the contingencies of war, under-secretaries of state were for the time being to exercise these functions, and under-secretaries of state were appointed by decree of November 16, 1943.

The third volume (1942, pp. 1057) of the ambitious official history of the Argentine Congress (*El poder legislativo de la nacion Argentina*) prepared under the auspices of the Chamber of Deputies by Carlos Alberto Silva is devoted to legislative work during the period of national organization, 1854–1861, when the capital was at Paraná, and the province of Buenos Aires was outside the Confederation. In the national constitution was the provision that each of the provinces should draw up its own constitution under the representative system, and should submit it to the national congress for examination. The record of these proceedings and the texts of the provincial constitutions themselves occupy the latter part of the volume.

A new compilation of the constitutions of the Americas in Spanish has been prepared and published at Mexico City in 1943 (2 vols.) by Lic. Leonardo Pasquel under the title *Las constituciones de América, textos integros vigentes*. Canada is represented by the British North America Act of 1867 and Puerto Rico by the Organic Act of 1917. Although the work purports to present the texts in force, it reproduces for the Dominican Republic the constitution of 1934 instead of that of 1942.

Digesto constitucional de la nación Argentina is the title of a compilation of the Argentine national constitution and the constitutions of the Argentine provinces, prepared by Carlos Alberto Silva and Franciso Rodríguez Castro and published by the Cámara de Diputados at Buenos Aires in 1942. This calls attention to the need for similar compilations of the constitutions in force for the state governments of Brazil, Mexico, and Venezuela, and for the departmental governments of Colombia.

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